

A VINDICATION OF THE

Freedom and Lawfulnesse, and so
of the Authority of the late

GENERALL ASSEMBLY.

Begun at *St. Andrews*, and continued at *Dundee*, in Answer
to the Reasons alleadged against the same in the Protestation
and Declinator given in by some Brethren at *St.*
Andrews; and in another Paper lately
contrived by some, &c. 1651.

Together with a Review of the said Vindication,
plainly holding forth the Nullity and unlawfulness of
that pretended Generall Assembly: In which the
aspersions cast upon the Protesters in that
Vindication are taken off:

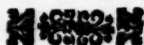
And the Answers brought unto the Reasons contained in
the Protestation, against the freedom and lawfulness
of that Meeting, and in the Paper afterwards penned
for clearing and confirming thereof are
discussed, and the strength of these
reasons established to be
a Null Assembly.

By a Friend of the Protesters cause.

Gal. 5.1. Stand fast therefore in the liberty wherewith Christ hath made us
free, and be not entangled again with the yoke of bondage.

2. Cor. 10.8. Our authority which the Lord hath given us for edification, and
not for your destruction.

For we can do nothing against the truth, but for the truth.



Printed Anno Dom. 1652.

MINUTE BOOK

OF THE
SOCIETY OF FRIENDS

IN THE TOWN OF
BIRMINGHAM

FOR THE YEAR
1841

THE FIRST MEETING
WAS HELD ON
THE 1ST OF JANUARY

AT THE HOUSE OF
MR. J. B. [Name]

PRESENT
[List of names]

THE ANNUAL REPORT
WAS READ BY
[Name]

AND THE FOLLOWING
RESOLUTIONS
WERE PASSED

[Text of resolutions]

[Text of resolutions]

[Text of resolutions]

[Text of resolutions]



The Inscription of the Vindication.

A Vindication of the freedom and lawfulness, and so of the authority of the late Generall Assembly, begun at S. Andrews, and continued at Dundee, in Answer to the Reasons alleadged against the same in the Protestation and Declinator given in by some Brethren at S. Andrews, and in another Paper lately contrived by some practizing to foment divisions, and to fix a Schisme in this Kirk; and for that effect, spread abroad onely into the hands of such as they conceive, will be inclinable to follow their way, but keepd up from all others.

The Review of the Inscription,



IN this Title, some things are insinuated, and others are asserted: It is insinuated, that the Protestation was given in but by a few, for he calls them *some Brethren*; I acknowledge, that the multitude and greater number are upon the other side, yet that is not a thing wherein they have cause to boast, or the Protesters need to be ashamed; it seldome falls out, especially in declining times, that the followers of the truth are the most numerous; yet were these even for their number, many more then by the Law are accounted witnesses sufficient to attest a truth; and many there be throughout the Land. who put to their seal to their Testimony as true; Ministers, Elders and Professors; yea, the Generality of the Generation of the Righteous, and such as know GOD, and live godly in the Land. It is asserted

ted first, That the other Paper was lately contrived, that is, a little while before the writing of this Vindication: But if the Vindication was not written many moneths before it came abroad, the Author thereof is mistaken in this, because this Paper was contrived within a very few weeks, three or four at most, after the Protestation is self; it may be that it came but lately to his hand, but it was abroad long before his Vindication was heard of. 2. It is asserted, that this Paper was contrived by some, practizing to foment divisions, and to fix a Schisme in this Kirk. But their hearts bear them record, that the fomenting or fixing of division or schisme justly so called, as it never was, nor is their purpose, so hath it been far from their practice, either in that or any other particular. This indeed they do acknowledge, that they are unwilling to suffer themselves to be divided from the truth formerly received and professed by the Church of Scotland; and that they conceive themselves bound in their stations and Callings, to bear testimony against the course of back-sliding, carried on in the Land, of which they judge the common Constitution and Acts of that Assembly to be no small parts; and though to foment divisions and fix a Schisme in the Church, be a heavy imputation, yet being conscious to themselves of their own innocencie, they are not much moved with it, remembering that it is the common Topick whence decliners in all the Ages of the Church have argued against these who would not be consenting unto, or did testify against their defection; Peace and unity hath been their plea, and sedition, division and schisme their charge against their opposers; upon this accompt doth the Lord Jesus and his Apostles, by the Scribes and Pharisees and Elders of the Jewes, Luther and Calvin, and our first Reformers by the Pope and his Clergy, Nonconformists by the Prelats and their adherents, stand recorded in the Catalogue of these who practized to foment divisions, and fix a schisme in the Church. 3. It is asserted, That this Paper was spread abroad *onely into the hands of such as they conceive will be inclinable to follow their way, but kept up from all others.* If they had directly sent Copies to these of a contrary judgment, it might haply been thought a piece of vanity and presumption; and if the Author of this Vindication thought such a thing incumbent to them, why did he not send a

Copy

X nonconformists

Copy of his Answer to the contrivers of these Papers, whom (as he afterwards bears us in hand) he doth very well know, or hath he spoken with, or received evidence from all others, who were not inclinable to follow that way that he doth, so confidently assert that Paper to have been kept up from all of them; I will assure him, it was not so as he affirms; As the contrivers did not vainly nor boastingly spread it to the provoking of any, so did they not purposely keep it up from any of whatsoever judgment, but were willing and desirous that it should go abroad, for edifying of as many as the Lord should be pleased to bless it unto; And therefore did they not only give Copies to such as did desire them, but also did use some means to have gotten it Printed, and could get none to undertake it.

VINDICATION.

Before I set upon the Examination of the Reasons brought against, and the discovery of the false Aspersions cast upon the Assembly by these Papers mentioned, I do object the Reader, whosoever he be, into whose hands this Vindication shall come in the fear of God, and as thou lovest not to be led away with error, but to know, debate, and for thy edification discern on what side Truth and Justice is, thou wouldst take heed that thy Judgement be not either blindfolded, or byassed and fixed in prejudice by somewhat which may have strong influence this way, and that is merely extrinsecall to the Cause, as to truth or falsehood, justice or injustice.

There be three things, one or more, have (I doubt not) had influence on the misleading of some already in this matter, and may yet I suspect miscarry others, and fix some that come to the reading of this Paper, with a minde pre-occupied with one of these Extrinsecall respects.

REVIEW.

I shall not contend with the Author about the truth of that General Assertion: That things extrinsecal to a Cause may have influence

influence upon mens judgements, to byasse them against the weight of reason; It doth indeed oft-times fall out so to be, especially in things that relate to Religion, neither shall I make any application to himself, or to the owners and followers of the Cause which he defends. I wish that all of us, on all hands may from the reall sense of the great blindness that is in our understandings, and many byasses that are in our hearts, with much trembling and fear, make humble, serious and frequent addresses unto God, that he would give us rightly to know, and in singleness of heart to judge of the truth in these things, without laying weight on any thing that will not bear weight in the ballance of the Sanctuary. But haply indifferent men would have accounted it fairer dealing, if not more prudence if he had left the Cause simply to be determined by the weight of his Answers and Reasons; and had not so operously and industriously laboured to bring the Reader in dislike with the Protesters, by charging some of them with high crimes, and endeavouring to weaken the Reputation of all of them, by a long deduction, and many farre fetched Instances of things on the by; If his Answers be strong enough for a batterie, what needed these undermining? But its fit to take some View of these misleading Principles, wherewith he chargeth the Protesters, and their adherents, and of which he desires others to beware lest they be thereby also insnared; onely this advertisement I give, that his charge in all these things runneth onely upon the Principles and Practises of some of the Protesters; Now upon supposall that all his allegiance were true, what a poor way of arguing would these that are for the Publick Resolutions, and for the Assembly at St. Andrews and Dundee account it, to tell them over some few of the many grosse Principles, and Practices holden and acted by some of their party, and from thence to conclude against their professions, and to the prejudice of their Cause.

V I N D I C A T I O N.

First selfish Interest, it is far from my thoughts to charge this upon all who have concurred in Protesting against, and declining this Assembly as the motive that led them thereupon; I am per-
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swaded of many of them that they followed that course in the simplicity of their hearts; yet I leave it to all judicious indifferent men to consider & give their judgment, if it be not very apparent that somewhat of this kind was the spring that moved some, the prime contrivers and sticklers in this businessse, who having adventured upon such high courses and attempts, tending to the violation of the Nationall Faith, renting and ruining the Kingdom, trampling upon Authority, and carrying with them sentiments, contrary to the minde and Practise of all Orthodox Kirks, and to the Faith, and not being able to abide triall in these things by an Assembly, who in themselves was not able to bear the sway, and carry things to their minde, and finding others in simplicity of heart with them disliking some Publick Resolutions and Actings, and so apt to be led on with them upon any course that could be presented with the colour of a Testimony against these Resolutions and Actings, found it safest; for they rather altogether do disclaim the authority of the Assembly, then to hazard upon a fair and orderly tryall of their matters; yea, have we not seen some already ship in, and land out of, and ship in again in that Protestation, according as they conceived the Winde of affairs then in the time to blow with, or against it, to credit, or discredit, advantage or disadvantage; conscientious men would be ware now that this same motive or interest, do not prevail over them, to neglect due Examination of the grounds of that Protestation, or to close their eye against such lights as might happily be holden forth in this matter, to the discovery of the lightnesse and non-relevancy of these grounds and reasons; Therefore put reputation and dis-reputation in the estimation of men, advantage, or dis-advantage worldly to thee and thy condition, put off thy fight for a while, untill thou hast pondered and compared reason with reason.

R E V I E W.

In the Application of this Principle of selfish interest, the Author assails some, conceiving them to be led on in the simplicity of their hearts, by the subtilty and misguiding of others, whom he charges with adventuring on high courses and attempts, tending

to the violation of the Nationall Oath, renting and ruining the Kingdom, trampling on Authority, and carrying with them tenets contrary to the minde and practice of all Orthodox Churches and to the Faith, &c. What is all this, but the way, if not very near the words of the Prelaticall and Malignant party, against the Instruments of the Work of Reformation Anno 1638 and thereafter, who because the Integrity of some of these Instruments was above exception, they did cast the appearing of these in that Work upon their simplicity, and did charge others with falling on a course of rebellion, as not being able to endure triall in the high crimes, whereof (as they said) they were guilty; but the Lord ere long did make their righteousness break forth as the morning, and their clearing as the noon day, and I trust that he who knowes the innocency of these Protesters upon whom the like things are charged, shall also shew them the like mercy in Vindicating them from all the reproach that hath been unjustly cast upon them. But to the point, if these prime Contrivers and sticklers in the businesse, had before that time adventured on such high courses, and were guilty of such grievous crimes as the Author chargeth them with, then surely these simple ones of whom he speaks, were simple exceedingly, who could see nor discern none of these things that were so obvious to the view of others; but notwithstanding of what he sayes, they are known to sharp sighted discerning men, and for learning, circumspection, judgement, prudence and experience in the things of God, and the Affairs of his house to be far beyond these whom he takes for the prime contrivers and sticklers in the businesse, and to be inferior to none of their opposers; yea, if there be any who deserve the name of the prime contrivers and sticklers in the matter of the Protestation it is some of these who had no hand in these high courses which he mentions, and who upon his account are among the simple ones. These crimes which he doth so positively, and without hesitation charge upon some, especially being so hainous and great: It would seem, that both charity and and justice would have required that he had brought some good evidence of them, least haply his Reader trust not his naked Assertion, in that which doth not onely reach the reputation, but also the life and being of others: And if he would have men to believe

believe their tenets to be contrary to the minde and practice of all Orthodox Churches, and to the Faith; he would do well to prove them to be so, untill he do it, he will I hope allow charity to these who deny it: Some of the greatest Divines of this Church, and of this age whose praise is in all the Reformed Churches do affirm and have proved the contrary, and if the Authors Assertion be true, I fear not to say, that the minde and practice of this Church these years past hath not been Orthodox nor agreeable to the faith in order to these tenets, because they have been clearly taught and practised by this Church these years past, and a man but slenderly seen in the Doctrine thereof may bring forth these tenets asserted by this Church in the same letters and sillabes; and may give clear instances of her practices agreeing with the same; It hath been done already by some in a more convincing way then the sharpest opposers of these tenets have as yet satisfyingly answered. I would fain know what ground the Author had to say, that the prime contrivers and sticklers found it safest for them rather altogether to disclaim the Authority of the Assembly, then to hazard upon a fair and orderly trial of their matters. Their consciences do bear them record, that it was not upon any jealousy or suspicion they had of their Cause as not being able to endure the light; & reason may perswade indifferent men to think, that they did not look upon protesting against the Assembly as the safest course otherwise then in order to their duty, for if we take safety as it might concern their persons, they could hardly have done any thing that could have more endangered these: It was a speedy way to expose them to the censures both of Church and State, as did appear in the sequel, some of them because of their Protestings being deposed by that Assembly, and others of them confined by the civil Magistrate, and there is ground to presume that they would have been proceeded against with further censures, both civil and Ecclesiastick, if the Lord had not stopt the current of these things; If this was their safest way, why do men of his own judgment so frequently say, that if the Protestation had been forborn, the Assembly would not have censured any, no not in the case of their adhering to their judgment, and dissenting from the judgment of the Assembly in the matters of the Publick Resolutions. If we shal take safety in order to the cause,

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they could not be so dull as to think, that their Protesting against the Assembly would keep the Assembly from trying and judging of their cause, or other indifferent men from searching into the same, and if before the Protestation, it could not abide the trial, it did but put them in a much worse condition to Protest upon an unwarrantable ground, it being worse to defend two evill causes then one: And therefore it doth not appear from these things that self interest was the spring from whence these Actings did flow; yea, the contrary (if any thing) is manifest, because by such a way they could expect nothing but the heightning of all former reproaches cast on them, the exposing of themselves to the censures both of Church and State, if men that in all the precious interrests must be sufferers because of their doing of such things, be led to act the ein upon a principle of selfish interest, we leave it to judicious and indifferent men to consider and give their judgement, whether it be very apparent, yea, or not? It is true that some two or three did partly by the perswasion, and partly by the threatening of some at *Dundee*, refuse a little from the Testimony which they had given at *St. Andrews* in the matter of the Protestation, which within a short time thereafter they did repent of, and again adhered to their former Testimony, not upon any selfish-interest, or eye to credite or advantage (as the Author affirms) there being no appearance first or last, that by adhering to the Protestation they could gain any of these things, but on the checks of their own consciences, and *the voice they heard behind them, saying, this is the way walk ye in it*, when they had turned aside. some of them are since that time taken out of the land of the living, and I trust are now in glory, and I can assure the Author and all others, and if it be doubted, I wil get it attested under the hands of famous witnesses; that after their rising from that testimony they had no peace nor quietnes in their spirits for a long time, but went down mourning to their graves, because they had so done, and upon their death beds did often and sadly bemoan it, that they had missed the opportunity to give some publick Testimony and Declaration with others of their sorrow for the same, and of their purpose and resolution to adhere to the Protestation. It had been no losse to the Author nor his cause, to have spared such sharp (let me not say bitter) and personal reflection

reflections upon conscientious and godly men, as he many times needlessly useth, he and all others whose eyes God hath opened, to see their way, cannot but be conscious to themselves of their own wandrings, and how much they owe to the exceeding riches of the mercy and free grace of God, that hath recovered them out of snares.

VINDICATION.

SEcondly, estimation of the persons, the Authors or Abettors of this Protestation: God forbid I should think, say, or advise any thing to the prejudice or disadvantage of godlinesse or godly persons, neither shall I question their godlinesse, my judgement concerning some, yea many of them is very positive; having by experience and acquaintance seen, I must say, much of the image of JESUS CHRIST in them, as for others what ever they have been every whit, I take not on me to judge them, nor yet think it pertinent or fit so to do; That there are godly men, not a few on the other side too, is manifest, some that were in Christ before them, and men that hath suffered for the Truth and Cause of God, When others had not the honor to be doers for it; and are ready to suffer, if he shal call them to it, though some uncharitably and rashly (to say to the best of it) spare not to traduce them as Apostates and backsliders; but this is it I would say, that men should take heed that they make not a snare of their opinion; yea, or the reall conviction of the godlinesse they have of any persons by approving, taking up, or following their saying, opinions or practices, without due examination and triall upon this accompt, because they are godly persons from whom such things proceeds.

It is well and expedient for such as would in this dangerous time walk circumspectly, and shun snares, to remember as to this present caution two things: 1. That true godlinesse is not of such perfection in any on this side of eternity, as doth exempt them from all erring, whether in judgement or practice, nor yet from stiffe maintaining mistakes, when once they have turned aside unto them. Luther was a godly man, and had much of CHRIST in him; I think none of them interested in the present businesse will compare with him, yet who knoweth not what great

errours he held in the matters of God, and maintained not only stiffly, but violently to the great prejudice of Religion, and obstruction of the work of Reformation, under which the Reformed Kirks do groan yet unto this day. 2. How Wofull a snare; this (I mean not godlinesse, but the overweighing conceit of persons reputed to be godly) hath proved in the neighbour Nation and Kirk; Hath not this been one of the chiefeſt stratagems and engines whereby Sathan hath prevailed, to mar the fair work of Reformation, ſo happily and hopefully once begun there, and filled that Land with unparalleled confuſions under which now it groans? *Fœlix quem faciunt aliena pericula cautum.* It were good for us to learn Wiſedome by other mens dangers, and ſo be warned by the beacons which others ſhipwrack hath ſet up to us, leſt we alſo make ſhipwrack upon the ſame ſhelves; and then ſay, but too late, *non putavimus*, proverb, ſtill Scottiſh men, wiſe behinde the hand, prove all things, from whatſoever hand they come, and hold faſt that which is good.

R E V I E W.

I do indeed believe, that the Author doth not intend to ſay or adviſe any thing to the prejudice or diſadvantage of godlines, or godly men; yet do I deſire him ſeriouſly, and in ſoberneſſe of minde, as before the Lord, to conſider, whether there hath been ſomething in the late Publick Reſolutions, and in the proceedings and Acts of the late Aſſembly at *Dundee*, to both which (if I miſtake not) he had a great acceſſion, that is prejudiciall to godlines and to godly men: Reſpect to theſe did exceedingly abate with the Publick Reſolutions; yea, enmity againſt theſe did exceedingly grow with theſe reſolutions; a thing ſo manifeſt, that they who did run, could not but read it; and did not the Acts at *Dundee*, wherein beſides the cenſures that were inflicted on ſome, all, whether Miniſters, Elders, Expectants, Schoolmaſters, Students or Profeſſors of whatſoever ſort, who ſhall not acquieſce to the Acts and Concluſions of that Aſſembly, and who after conference for their ſatisfaction, oppoſe the ſame, are appointed to be cenſured, do not (I ſay) theſe Acts import a prejudice to godlineſſ and godly men, if proſecuted and executed, they would at laſt non-Office, and non-Church many Godly Church-Officers

ters and godly Church-Members; yea, I fear the greatest part of the Godly in the Land. His testimony concerning the godliness of many of the Authors and Abettors of this Protestation, I do willingly accept, as favouring of ingenuity, and having truth in it: I wish he had been as plain and positive in giving his judgment concerning others: Whilest he differences them from these to whose godliness he bears testimony, and saith, that what ever they have been every whit, he will not take upon him to judge; it seems that he would render them suspected, if not have them taken for persons naughty or little worth, what ever be his meaning in it, or his judgment of these others, I shal not stand to enquire into it; there be none of the Authors or Abettors of that Protestation, to whom many of the godly in *Scotland* will not give an honest testimony, neither will any thing that any of them have been, contradict the same, if at any time they have been in a wrong way, yet have they through grace repented of, and forsaken the same: And it concerns the Author, who hath been a sharer of the like precious mercy, not to upbraid them, but to acknowledge the goodness of the Lord both to them and to himself. I deny not, that there are godly men on the other side, and such as suffered for the Truth and Cause of God; but why he should say, that some of them were in Christ before the Protesters, and that they were sufferers for the truth, when others had not the honour to be doers for it, I do not well understand; sundry of the Protesters, for their being in Christ, and suffering for the Truth and Cause of God, are through grace, of a very old and long standing, and famous & honorable in all this Church: I cannot reckon the moneths or years since the one or the other did begin to be in Christ, and had the honour to suffer for the truth, neither do I desire to insist on the comparison, blessed be the Lord for all that are in Christ, and for all who suffers for his Cause, I wish and pray, that all of them may conquer and overcome, and if any of them be turned out of the way, the Lord may again recover them, and make their last dayes better then their first. It is true, some of the Protesters had not the honour to be doers for the Cause; yea, were opposers of it, when some of the other side were suffering for it; but what if they have obtained mercy, because they did it ignorantly through unbelief: if not to be a doer

for the Cause; yea, if to be bearers down and opposers of the Cause, when others were suffering for it, be a good plea against any of the Protesters, I fear most part of the late Assembly must leave their Benches and go to the Bar. I know none that traduces these godly men as Apostates; yea, I know and am persuaded, that the Protesters have an high and honourable estimation of them for their piety and parts, and for the great things whereof the Lord hath made sundry of them instrumentall in his House; and though they cannot but testifie, unlesse they would be unfaithfull, that the course which these men have followed this while past in the matter of the Publick Resolutions, is a course of defection and back-sliding, yet do they not use to call them back-sliders, much lesse Apostates, and if any others do it, they are not therein approven or allowed by them. I joyn with the Author in his advice, that men should take heed that they make not a snare of the opinion; yea, or the reall conviction of the godlinesse they have of any persons by approving, taking up, or following their sayings, opinions or practises, without due examination and tryall upon this accompt because they are godly persons, from whom such things proceeds, as being an advice wholesome and profitable in it self, and as having ground to think, that the estimation of some mens persons and judgements the last year, had influence upon some, to gain them to the Publick Resolutions, and to the proceedings of the Assembly. I do also joyn with him in the substance of the two things which he adds for strengthening of this present caution, only desiring him to be impartial in the application of the first, and to look homeward as well as abroad, and to guard well both in the first and last, that in discovering the errors or weakness of some who are truly godly, or the hypocrisie of others who pretend it, the hands of the prophane, and such as hate and mock at godlinesse, and insult over the infirmities and blemishes of the Saints be not strengthened, nor godlinesse nor godly men brought in contempt.

V I N D I C A T I O N .

3. *The presences and big professions of good, upright and zealous intentions and affections towards the Cause of God and welfare*

welfare of the Kirk of God in this Land, I shall nor dare question the uprightness of the intentions of some; yea, many of them may, I am verily persuaded of some of them, that they are far from doing any thing intentionally or formally and directly intending the overthrowing or Wranging any of the Ordinances of Jesus Christ settled in this Kirk, or the peace thereof: and that if they be led in any course in the matter prejudiciall to any of these, it is as many went out with Absalom, in the simplicity of their hearts. But first it would be remembered, that many may be very zealous in their intentions for God, and yet that zeal be not according to knowledge: where there is much zeal for any end, there be also much mistake about mids towards that end: and where there is much and clear knowledge in many things, there may be much mistaking about some or more particulars: a good intention is necessary, that a man may be approved before God in his act only, but it is not enough to make his actions good or imitable by others: And certainly this is the chief thing to be considered by thee, ere thou allow, follow, or comply with the course of any other man, not what good intention or zeal they do profess, but what good ground or reason they have for the course; ay, but may some great knowers say, This is poor, who know: not thou? this is a common known principle of acting, that we should not listen to mens professions, of straight, honest and good intentions, but seek what warrant they have for their actions. It is true, it is a common known and plain principle; but common principles are better known, then made use of, and hath need to be pressed, that they may be heark in our actions, and amongst others, this especially in these times; Great Professions of honest and straight purposes and intentions, especially made by men who are presumed to have much knowledge, and have been found in many things right, are ready to make others who are credulous and more simple, oftentimes secure and negligent, to try and prove their actions, and so oftentimes suffer themselves to be led out of the way. 2. Albeit (as I said before) I do not question the uprightness and sincerity of some profession, concerning their intention and their affection, yet I shall desire the Reader to compare the professions made in the Narrative of the Profession in hand, with some late practices of some that had band

hand therein, and these not of the low form. First, they profess, that while they live it shall be acknowledged how gracious GOD hath been, in giving to this Kirk pure Ordinances, and that they desire mercy and grace to adhere to the Worship, Doctrine, Discipline and Government established in this Land. This indeed is a good Profession, but suppose that which is certain and evident, that when we speak of great estimation of, and adhering to the Discipline and Government established in this Kirk, we must conceive this in relation to the Ordinances, not only in the abstract and dogmate, but also in concreto, and as they are in actu exercito, actually existing, and as they are exercised in Judicatories constituted accordingly, let a man profess what he will of soundnes and constancie in point of judgment concerning Discipline and Government established in the Kirk, yet if he be found a contemner of the exercise of that Discipline, and of the lawfull Judicatories invested with the Government, no wise man will acknowledge that man to have a due estimation of, or to be a constant adherer to the ordinances, except it may be in so far as he holds something of them in his own hand, and that is himself; nay, such professions are but *χρησολογαι καὶ εὐλογαι*, good words and fair speeches to deceive the hearts of the simple. This laid down, let any ingenuous and indifferent men take unto consideration but some practice of some of the Protesters, and judge how agreeable they are to the former profession, and adhering to the Discipline and Government settled in this Church; 1. Condemning Acts and Constitutions of the supreme Judicatories of the Kirk most unanimously concluded, (themselves being present and not contradicting, but positively by their votes consenting therunto) and that not in a private way, but in a Remonstrance publicly emitted to the World, and presented to the State, without having so much respect to these Judicatories, as (Which due estimation of, and adhering to the established Government of the Kirk did require) once to have had recourse to them, first by supplication or desire to re-examine, or to take to their consideration again these Acts and Constitutions; yea, refusing to apply themselves to them in such a way, as that when advised and earnestly pressed thereunto, as orderly, by some to whom they had communi-

munica-

communicated the design of the Remonstrance : the former part of this is evident from the Western Remonstrance, condemning the Treaty with the King, and closing thereof, allowed, approved and ratified by the Generall Assembly 1650. If it be said, that that Remonstrance was communicated to the Commission of the Kirk before it was presented to the Estate, that is true ; But beside that, the Commission had not power to judge the Acts and Constitutions of the Assembly. It was presented unto them merely to have had their concurrence in presenting it to the Estate, if that could have been obtained ; but with no desire to advise and give their judgment upon the matter contained in it ; yea, these that came with it, required, If they had any power committed to them to change any thing of it ; they plainly declared, that though some expressions might be changed, yet they had no power, and were not to alter one jot of the matter ; so determined were they of themselves, and antecedently to the cognition of the Publick Judicatories. The latter part is evident by Mr. John Carstairs Letters written to the Lord Register, about the time of the contriving that Remonstrance from Edinburgh, and intercepted at the Ferry of Airth, or thereabout.

REVIEW.

I Shall say nothing of the charity he alloweth many, and of the perswasion that he hath of some, that they are far from doing any thing intentionally, or formally and directly intending to overthrow, or wrong any of the Ordinances of JESUS CHRIST, settled in this Church, or the peace thereof ; he hath reason to allow them that and somewhat more, but this allowance of his to some, doth leave others under a hard construction, not onely in regard of their work, but also in respect of that, which is their formall and direct intention, another years proof of them, may haply force better thoughts both of their intentions & actions, in the hearts of some who now for along time have mistaken them, because they could not join in the Publick Resolutions, which to them was to be found in the way of Egypt, and to drink the waters of Sihor ; in the mean while they are comforted in this, that their own hearts doth not condemn them, neither in their in-

tentions or actions, what he saith of a zeal, not according to knowledge and of mistakes about mides and of a good intention, that it is not enough to make a mans actions good or imitable by others; but that is to be considered, what good ground or reason they have for their course, and of the applying of common principles which are better known then made use of. In all these things I do agree with him, and wishes, that they may be blessed of God unto his Readers and all others. But let us come to examine the things whereby he endeavours to render the Professions of the Protesters suspected, as not agreeing with some of their principles and actions; for making out of which, he desires the Reader to compare the professions made in the Narrative of the Protestation, with some late principles of some that had hand therein, and these not of the lowest note. Fir^t, (saith he) they profess, that while they live, &c. I acknowledge, that I have no great skill of School terms; but I conceive, that when in this place he speaks of the Ordinances *in concreto*, and as they are *in actu exercito*, actually existing, and as they are exercised in Judicatories constitute accordingly, he means not of every kinde of concretion and exercise of Ordinance *quovis modo*; for they may have an honest and honourable estimation of Ordinances, who bear testimony against the corruptions and mal-administrations of the abusers of them; otherwayes these who have been most zealous and straight-hearted for the Ordinances in all Ages, should be found among the despisers of Ordinances, and none more then many of the gracious Worthies of this Land, who were ready to lay down their lives for the Ordinances, and yet did bear publick testimony both against the corrupt constitution and corrupt Acts of Assemblies, and all male-administrations that were of any importance to the prejudice of the Kirk, or any of the Ordinances of Christ therein, which was so far from rendering their professions suspected, that it was a reall evidence of the truth and sincerity thereof. But I think he means of such a concretion and exercise of Ordinances, (though it had been fit to expresse it more clearly) as is agreeable to the rule of Gods Word, for so he seems to hint, when he sayeth, *as they are Judicatories constitute accordingly*; and in this sense the carriage

age of the Protesters doth well stand with their Professions, in reference to the Ordinances. Having laid down this ground and distinction of Ordinances, not onely in the abstract and dog-mate, but also *in concreto*, and as they are *in actu exercito*; he comes in the next place to give some instances of some practices of some of the Protesters, in setting down of which he hath been very industrious, to gather and put together a bundle of such things as he thinks may bring their Professions in suspicion and contempt; I shall not meet him with the like measure; if it were Christian and seasonable work, more haply might be holden forth of the practices, not of some only, but of many sticklers for the Publick Resolutions, that goes cross their Profession to the Doctrine, Worship, Discipline and Government of the Church of *Scotland*, then the Author can or will answer; but because to recriminate, is not to answer, I come to the particular instances which he gives: The first is, their condemning Acts and Constitutions of the supream Judicatories of this Church, which he aggravates by many circumstances. First, that these Acts were most unanimously concluded. Secondly, that themselves were present, and did not contradict. Thirdly, that they were positively consenting thereto by their Votes. Fourthly, that they condemned these Acts, not in a private way, but in a Remonstrance, publickly emitted to the World, and presented to the State. Fifthly, that all this was done, without having so much respect to these Judicatories, as first to have recourse to them by supplication, and desire to re-examine, or take to consideration again these Acts and Constitutions, yea, refusing to apply themselves to them in such a way, when advised and earnestly pressed thereto, as orderly, by some to whom they had communicated the design of the Remonstrance. To all which I return, that the Argument taken in its strength, doth not seem to conclude much for evacuating the Professions of the Protesters to the Doctrine, Worship, Discipline and Government of this Church, unless we lay this for a ground, that whosoever represents and remonstrates his judgment against any one of the Acts of the Assembly of this Church, belyes the Profession which he makes of respect to the Doctrine, Worship, Government and Discipline thereof.

Secondly, the Assembly was not sufficiently informed concerning these transactions with the King, but severall important particulars which would have contributed much for clearing of the businesse, were kept up from, and not reported to the Assembly; to wit, the first invitation given to the King, the Act appointing him to be restored to the exercise of his power, the Kings Letters to *James Graham*, the Kings taking the Sacrament after the order of the Service Book kneeling, from an Episcopall Doctor, and an Irish Bishop, notwithstanding that he had signed the Treaty, and that intercessions, were made to him both by word and write, to forbear the bringing to sea with the King all the English and Scots Malignants that were with him at *Breda* after the Commissioners had received the Letters and Acts both of Church and State, disapproving the Treaty at *Breda*: The way how the King was induced to subscribe the Covenant, and how immediatly before his taking it, being ready to land in *Scotland*, he was about to have made a Protestation, but that some of the Commissioners would not tender him the Covenant upon these terms. How lame the account was that was given to the Generall Assembly of that businesse; some of the Commissioners confession before the Commission of the Church at *Striveling* after *Dunbar* doth bear witnesse; it may be remembered that the Moderator then regrated, that the plain businesse was not made known to the Generall Assembly, and that most of what was spoken in that debate at *Striveling* tended rather to clear the Gen. Assembly then to justifie the Treaty; and indeed these after discoveries of hidden and sinfully concealed truths, may plead for a fair construction of what the Assembly did in approving their Commissioners proceedings, which belike they would not have approven if they had known all the truth: And do afford sufficient ground for the Remonstrators afterward to Remonstrate them, without reflecting upon the Assembly or upon their own professions of respect to the Doctrine and Government of this Church. Secondly, these acts were not so most unanimously concluded as the Author affirms: It is true, that there was no Protestation nor open and plain dissent by any member of the Assembly against them, but severall members who had professd their dis-satisfaction with that matter in private, when it came to be

be voted in Publick, they did so qualifie their Vote, that it did relate onely to the approving of the diligence of the Commissioners, insinuating that they were not clear to approve of the matter; I acknowledge that it was a weaknesse that they did not plainly declare their minde (which some of them were requested to forbear) but this shews that there was not so great unanimity in that matter as he speaks of: He is not ignorant that as that business was from the first to the last rashly transacted, and against the inclinations of the generality of the Godly in the land, whilst they yet did see the King continuing in his opposition to the work of God, so also against the inclination of many in the Assembly, who yet could not find a ground to dissent openly from that conclusion, because of the fair representation of the matter made to them. Thirdly, before the Remonstrance was penned, there was palpable and clear discoveries of the hollownes of that transaction in *Holland*; the King had given Commissions to the Malignants to rise in Armes, and had himself deserted the Judicatories, and gone away to join with the Malignants, and severall other things of that kinde were made known, before there was any meeting about the Remonstrance, let be any conclusion taken upon it. Fourthly, there could not be any address to these Judicatories by way of supplication, or otherwise to desire them to re-examine, or to take to their consideration again these Acts and Constitutions, because the Gen. Ass. which (only by the Authors own acknowledgement) had power so to do, was not then sitting, nor to sit for eight or nine moneths thereafter; and the Lord having smitten us so sore, as at *Dunbar*, and being still threatening more wrath, it was no time to delay, nor dallye the representing the grounds of his controversie. Fifthly, when that Remonstrance past, the Forces of the West, were enclosed between the *English* Forces at *Glasgow*, and those at *Carlisle*, and resolved to lay down their lives in the defence of their Religion and Country, and therefore thought themselves bound to exoner their consciences in a free and plain way, and to leave that Testimony behinde them concerning the guiltinesse of the Land, and the Judicatories thereof. Sixthly, that Remonstrance was not the deed of some of the Protesters onely, but for the substance: First, the deed of one of the best, and most famous Synods of this Church,

and

and afterwards both for substance and words, the deed of a very considerable number of Officers, gentlemen and Ministers, whose integrity and zeal for the Publicke Cause from the beginning was known and approven, not onely to the Judicatories of Church and State, but to all good men throughout the Land. Seventhly, that as it is true, that these who came with the Remonstrance to present it to the Committee of Estates, being required if they had any power committed to them to change any thng thereof, did plainly declare, that though some expressions might be changed, yet they had no power to alter any thing in the matter; So it is no lesse true, that these who did require them, if they had any such power, being told, that they had power to communicate the same unto them, before they gave it in to the Committee, and to take their advice and assistance therein, did not after the reading and hearing thereof, professe any dislike of the matter therein contained, much lesse did they use any arguments to diswade them from giving it in, which gave just ground to the other to think that they did approve thereof, they being men of such ripnesse of judgement, freedome, intimacy and friendlinesse with these who gave it in, that they could not but look upon their silence as an approving of their way. Eighthly, let it be considered, whether the Remonstrators, or these who were hugged by the Commission of the Church, and the Meeting at *St. Andrews* and *Dundee*, was their best friends, and most forward for the Publick Resolutions, are this day most tender of the Liberties of Church and State; the latter consenting to all the demands of the present power, and the former every where refusing, as to that which is said to be proved by Mr. *John Carstares* his Letter to the Lord Register, how weakly is this alledged; Mr. *John Carstares* was then a prisoner at *Edinburgh*, the Remonstrators were at *Dumfries*; the Remonstrance was presented at *Striveling*, he knew not so much as either matter or forme of the Remonstrance till it was presented, how then could he give advice therein? Or if his Letter was intercepted, how could that advice come to their hands that they might hearken thereto? If there had been any thing in that Letter that made for his purpose, why did not the Author cite the words of it after the intercepting thereof? It was shewed to Mr. *Robert Dowglas*, and diverse others,

others, and as it did then, so if it were needfull to make it publick, it would now prove, that there was nothing in it of which either Mr. *John*, or my Lord Register needs to be ashamed; and it would abundantly confute the calumnies of some, and correct the mistakes of others, particularly in the thing for which it is alledged.

VINDICATION.

SECONDLY, publick vilifying of *Acts* of the Generall Assembly, as not to be pressed in matters of conscience, wisse Mr. James Guthrie his Speech, uttered publickly in the Commission at Striveling, where in conference upon the Western Remonstrance when the Moderator did once and again presse the *Act* of the Generall Assembly approving the close of the Treaty with the King, and the Declaration of the same Assembly, emitted when the English Army entred the Land, against that part of the Remonstrance, condemning the close of the Treaty, he publickly answered, Presse me not with humane constitutions in matters of Conscience; all that were present, who were many from severall parts of the Kingdome, besides Commissioners can well remember this.

R E V I E W.

IF Mr. *Ja. Guthrie* be a vilifier of the *Acts* of the Assembly, he seems to be neither so ingenuous nor prudent as need were, for none hath pleaded more *Acts* of Assemblies in all these publick differences, and (for any thing I know) hitherto without any satisfying answer: as for that Speech of his, it was thus, in that meeting many Arguments being brought to confirm the Remonstrance, in that point, relating to the Treaty, and some continuing still to argue against the Remonstrance in that particular; Mr. *Ro. Ramsay* summed up the arguments brought for strengthening the Remonstrance into a Sylogisme, to which no reply was made, but the Authority of the Gen: Assembly was pressed in the mean while: some godly and tender men, who were Commissioners for the Church in *Holland*, did publickly and with much weight of spirit, declare themselves in the hearing of all the Meeting, that they by
their

their mistakes in that matter, did conceive themselves accessory to all the misery that was come upon *Scotland*, & that they desired to repent thereof: and others having added somewhat concerning the smitings of their conscience in that particular, it was replied by one in the Meeting, where were all these tender consciences at the Generall Assembly, and when he who made that Reply, and others did insist in pressing the Act of the Assembly, Mr. *James Guthrie* said, you would study to satisfie the scruples of mens consciences, otherwayes then by pressing on them the Act of the Assembly: was this speech thus circumstance, a publick vilifying of the Acts of the Assembly. Let us take the words as the Author alleadges them, yet have they a very good meaning, because humane Constitutions as such do not binde the Conscience, *neq; enim cum hominibus, sed cum uno Deo negotium est conscientie nostrae*, saith a great Divine: and therefore unless men would strain the words of their brethren further then charity or verity will allow them, there can be no weight laid upon these words for proving Mr. *James Guthrie's* practices to be contrary to his professions: We shall finde the Author haply before the close of this Vindication, going as great a length as this speech will reach, in order to Acts of Generall Assemblies, and yet I believe he would think it hard measure to infer such consequences from his words.

VINDICATION.

THirdly, tumultuous deserting and running out of the publick Judicatories of the Kirk, and threatening the same, because of some matters carried therein contrary to their own mind, witness their carriage at the Commission in Perth, Novemb. 1650. where because of that moderate sense given them upon the Western Remonstrance, many of them did in a disorderly way, desert and leave the Commission, never daigning to come to any meeting thereof afterwards; some of them as they were going out, threatening from an high place, with a loud voice and revenge flaming out of their eyes, in such words as these, We hope well we shall get our day about of them yet.

R E V I E W.

They did not tumultuously desert and run out of the Commission, much less did they threaten the same, because of some matters carried therein, contrary to their mind; such of them as did depart, did go away in a peaceable and quiet way, without any tumult and disorder, having now stayed for a considerable time, first at *Sterlin*, and then at *Pertb*, and not knowing any further business of importance that the Commission meant to meddle with at that time. As for the instance given by the Author, seeing he is pleased in other places of his Paper to name particular persons, why did he not also name the persons who spoke these threatening words, with revenge flaming out of their eyes: I do indeed remember, that the spirits of many gracious men who were then present, were much weighted and sore grieved with the precipitant proceeding of the Commission at that time, and that a brother did lay this seriously before the Commission, and did use some such expression, as the Author relates; but that it was in a threatening way, or with revenge flaming out of his eye, is more then can be made good: Such a word may be spoken with soberness of minde, and to good purpose, without any threatening or desire of revenge: whither they did never daign to come to any meeting of the Commission thereafter; I cannot confidently speak to it either upon the one hand or on the other; but I can confidently say, that as they did never take any resolution not to come, so also that their staying a way was not so much occasioned by this proceeding against the Remonstrance, though that was a matter of stumbling and offence unto them, as by something that followed thereafter, which did convince them, that their coming to the Commission might well encrease strife and debate, but that it would contribute little or nothing for their own edification, or the edification of others. Before we passe this point, I shall give the Reader a short accompt of this whole business. After the presenting of the Remonstrance unto the Committee of Estates at *Sterline*, it was thought fit both by the Committee of Estates, and Commission of the Assembly, that these respective Meetings should meet at *Sterline*, the

day of to take into consideration what answer
it was fit to give unto the Remonstrance, and what to
do in other things that did concern the Defence of Religion, and
of the Kingdom in that strait they then stood, and that therefore
not only the Members of these Meetings but also severall others
Gentlemen and Ministers should be advertised to keep the diet;
notwithstanding of which appointment, the Committee of Es-
tates did afterwards adjourn their Meeting to *Pearth*, where
the King was for the time; the Commission of the Church,
according to the first appointment, with severall other Mini-
sters, having met at *Sterline*. The Remonstrators came there to
understand their judgment of the matters contained in the Re-
monstrance; which being read, and the chief heads thereof de-
bated, the major part of the Commission then present, seemed
to be satisfied therewith, and some were desirous to have a pre-
sent determination upon it: The Moderator and some others,
inclined to give no sense at all upon it, either for it, or against it:
and the Committee of Estates which was then sitting at *Pearth*,
having now once and again written to the Commission; it was
for peace sake condescended to on all hands, that no sense should
be past on the Remonstrance by the Commission, and that the
Meeting should be adjourned to *Pearth*, and that it should be
their endeavour, that the States should declare nothing against
it. This resolution being taken at *Sterlin* upon the Saturday, the
Members of the Commission, and such other Ministers as was
present, and the Remonstrators, did address themselves to
Pearth. On the Monday morning, the Remonstrators after
their coming thither, hearing that the Committee of Estates
were about the condemning of the Remonstrance, they having it
in Commission from these that sent them, and thinking it incum-
bent to them in duty to desire an answer, and in such an exigent
to profess their adherence thereto, did make application to the
Committee of Estates for that effect; after which, the Com-
mittee of Estates did pass severall Votes condemning the Re-
monstrance, to the great grief of sundry of their own number,
who did dissent from it, and protest against the same; and the
sentence of the Committee being communicated to the Com-
mission of the Church, and they also desired by them to give
their

their judgement of the Remonstrance. These who were sent from the West, did earnestly supplicate the Commission, before they should give any sentence upon the Remonstrance, that they would be pleased to allow them some time, till they might return and communicate with these who had sent them, hoping that all of them would give such an explication of their meaning in the things which were stumbled at, as would satisfie the Commission; Which desire seemed so reasonable in it self, and necessary at that time, for preventing of differences, and the grieving of the spirits of many gracious and godly men, who had been faithfull and zealous in the Cause from the beginning, that many Members of the Commission, did earnestly presse that it might be granted, especially seeing they had met with so great disappointment in the carriage of the Committee of Estates in order to that business; yet notwithstanding hereof it was refused, and the Commission did proceed also to condemne the Remonstrance, and refer the further sentencing of it to the General Assembly; sundry of these who were at *Sterlin* being now gone, and some others come from places more Northward, which gave occasion to sundry at that time to apprehend that, which is now plainly profest by some considerable Members of the Committee of Estates, who were eager in condemning the Remonstrance, that if they had not been put upon it by some Members of the Commission, they would not have done it. from this vote of the Commission, a considerable number of their Members, about sixteen or seventeen, as I remember, did dissent and the persons interested in the Remonstrance, did protest; and I fear not to say, that this peremptory precipitant, and needlesse haste of the plurality of the Commission in that particular, was a great occasion of all the division and rent that followed thereafter. In the mean while the Malignants who had risen in Arms, were agreed with, and an Act of Indemnity was past to them, and Colonell *Montgomerie* was sent against the Western Forces, with directions to force them, if they would not willingly agree to the States demands; and it was no great wonder, if after so many dayes staying at *Sterlin* and *Perth*, they thought fit to return home, when not only the edge of the censures of Church and State, but of the Civill Sword, which

was just now employed against the Malignants that rose in Arms without any warrant, is on a sudden turned against the Western Forces which were raised by their special Warrant and encouragement, express in diverse Acts and frequent Letters.

VINDICATION.

Fourthly, Taking upon them to determine matters of most publick and greatest concernment, antecedent unto, and without so much as once speaking or waiting for the judgment of the Publick Judicatories, to which the determination of such matters do belong; and private men and inferiour Judicatories ought to have their recourse to, before they take upon them to emit any determination thereanent; witnesse the Western Remonstrance, determining the exclusion of the Kings Interest out of the quarrell of the Defensive War, before any advice or sentence given thereupon, or once sought from any Publick Judicatory.

REVIEW.

THe matter of most publick and greatest concernment which he alleadges, they take upon them to determine was, the exclusion of the Kings interest out of the quarrell of the defensive War, before any advice or sentence given thereupon, or once sought from any publick Judicatory; but they did not determine the exclusion of the Kings interest out of the quarrell of the defensive war, otherwise then it had been before that time determined, both by Church and State, by their joyned Declarations at the West Church of the date 13. of Aug. 1650. which at the time of the contriving of the Remonstrance, was standing unrepealed, and to which there was the more reason then to adhere, because the King had deserted the Publick Counsels of the Kingdom, and joyned himself to the Malignant party. I know there are two things here alledged: 1. That that Declaration at the West Church was repealed, by the Kings subscribing the Declaration emitted by him at *Dunfermling*, a litle thereafter. 2. That the Remonstrance goes a greater length

length in excluding the Kings Interest, then that Declaration at the West Church. To the first of these I answer, that the Kings emitting of his Declaration did not in the Judgement of the Committee of Estates, and Commission of the Chnrch, repeal the other; and therefore the other Declaration had been sent unto the English Army, before the King did emit his Declaration; so after that, upon the emitting and sending thereof to the Generall of the English Forces, he did make a return, importing their sense thereupon. The other Declaration at the West Kirk, with a Letter, was sent back, intimating, that we did still adhere unto, and intend to fight upon that state of quarrell contained therein; to the other it was often offered by these who came from the West; that if there was any thing in the Remonstrance that seemed to go a greater length in that particular then the Declaration at the West Church had done, they were willing to explain it, and to fight on that state of the quarrell that was contained in that Declaration, without adding, altering, or diminishing, but that was not accepted of, and order was given a litle thereafter to Colonell *Roberts Montgomery* to desire or force them in the West to joyn under him, and fight for the Kings interest in all his Dominions, as afterwards the Meeting at *Dundee* did ratifie all the proceedings of the former Commission excepting that Declaration of the 13. of *August*, which as it did insinuate a tacite condemning thereof, and of that state of our quarrell and cause, upon which we have fought these 13. years past, so did it insinuate a new state of quarrell in order to the Kings interest.

VINDICATION.

Fishly, emitting causes of a Publick fast, and sending them abroad to all the Presbyteries and Congregations of the Kingdom, being but private men, and not having Authority, nor being a Publick Judicatory, witnesse the Fast appointed, and Causes thereof omitted from Striveling the 1. September 1650. wherein take these things in consideration, 1. The Meeting that omitted these Causes were no Publick Judicatorie, but some members of the Presbtery of the Army, and some of the Commissioners.

missioners. 2. That sundry godly and understanding men in that Meeting earnestly endeavoured that condescending upon Publick Causes of the wrath of God manifested in that defeat at Dumbarton, as Causes of a Fast might be delayed untill the week next following, that there might be a full Meeting of the Commission convened together, to go about that purpose with Authority, and more deliberation, but were born down by the vehemency, and headstrong forwardness of some who are chief men in this Protestation, professing so much respect to the established Government of this Kirk. 3. That there was no necessity of haste in emitting particular Causes (there was rather much danger in doing it upon so short deliberation) seeing the publick calamity, and known publick sins was causes evident enough to all, of humiliation for the present, and within lesse then eight dayes, a Meeting of the Commission might have been convened (as it was de facto convened, within that space) to condescend upon particulars; all these things being considered, was it not usurpation and contempt of lawfull Authority, and the Government established in this Kirk; to say, that the Commission at their Meeting which followed, did approve of the causes emitted by them, it doth not avail to clear them from usurpation and contempt of the Government, for to say nothing of that that the Commission did both alter somethings in them, and adde to them, about recommending prayer for the King (as well as mourning for his sins) in the humiliation, which was seemed to have been purposely left out, as appeared by the debate made about it, when it was mentioned and desired in the Commission for the space of half an hour at least, by Mr. James Guthrie, and the Register, to say nothing of this, that which the Commission approved was the matter of these causes, and not the way of emission, where-with many of the Commission shewed themselves exceedingly dissatisfied, as a practice without example, and a preparative tending to the overthrow of the Authority of Government, but did forbear to challenge it at that time for peace sake.

REVIEW.

THere is a great deal adoe here for little or nothing, which saith, that there must be some mystery in the bottom, before

fore I come to discover it, I shall make answer to the particulars alledged; First by a narration of the History, as it was in matter of fact, and then by taking off the things which are challenged by the Author: Our Army being defeat at *Dumbar* upon the Tuesday morning, and some of the scattered Forces having retired towards *Striveling* in the end of that week, a considerable number of the members of the Commission and Presbytery with the Army did meet there, to take in consideration what was fit for them to do in that juncture of time & affairs, and after mutuall debate and advice, finding that in all appearance they might be driven from thence, and scattered one from another very suddenly, the Town then not being fenced, nor any furniture or provision in it, nor we having any bodie of standing Forces in the fields to interpose betwixt the Town and the Enemy, and the hand of God laying heavy and sore upon the Army, and upon the whole Land, by that dreadfull stroak at *Dumbar*; they thought it expedient that there being one or two wanting to make a Quorum of the Commission, and these of the Commission who were present being also members of the Presbytery of the Army, and sundry other Ministers who were also members of that Presbytery being present, that they should set down the heads of these things for which (as they conceived) the Lord had smitten us, & send them abroad to the Presbyteries throughout the land, with a Letter written from the Presbytery of the Army, not in joining them as causes of a humiliation to be kept by any Authority, but humbly representing them as their thoughts in so sad a time, and desiring their brethren to join in a publick Fast and humiliation thereupon; What usurpation or contempt of lawfull Authority and the government established in this Church was here? As to the things challenged by the Author, they did not assume to themselves any authority, but onely write their humble advice, as their Letter did humbly shew, and this they might do; yea, it was expedient for them to do it, as things then stood; neither were they so private as the Author insinuates; the Author speaks a little diminutively of them, when he calls them some members of the Commission, and some members of the Presbytery of the Army; there wanted but one or two of a Quorum of the Commission, and the Presbytery of the Army was numerous

numerous and well conveened, as many certainly as gave them power to Act in any thing that was fit for the Presbtery to meddle with. These sundry godly and understanding men of whom he speaks who were for a delay, were but a few, and when the rest of their Brethren did not finde it expedient, they did not enter any dissent, which belike they would have done if they had thought it a busines of any such consequence as the Author would now make it, when he sayeth, *they were born down by the head-strong forwardnesse of some, professing so much respect to the established government of this Church:* He doth but shew himself like the man who wanting better weapons, did throw feathers at his adversary, which did manifest a great deal of desire to reach blows but drew no bloud; all the Protesters who were then present were two or three at most, and they had no more voices but their own; but it seems that in some mens judgement, where ever any Protesters are they must bear the blame of all the things that are conceived to be done amisse. As to the next, there was a necessity, because there was no appearance that they would get leave to stay together for to meet with any conveniency for a long time thereafter, let be that the Commission might meet within eight dayes as the Author asserts. It will be acknowledged by such as knew the truth, that if the *English* had at any time within eight dayes after *Dunbar* either advanced with their whole Army, or sent any considerable part thereof to *Striveling*, they had in all appearance gained that place, and so made an easie passe for themselves to overrun the whole Land, and was it not every bodys fear that they should so have done at that time; yea, did not all of us many time blisse God that they did it not: And what could be the danger of emitting these causes by way of humble desire, and brotherly representation; seeing they did meddle with nothing but that which was palpable and manifest; yea, which for the matter had been condescended upon by the Commission, before that time, and was (as the Author himself acknowledgeth) such as the Commission did at their next Meeting approve; the onely thing that had any shadow of newnes in it, was that of the crooked and precipitant wayes that had been taken for carrying on the Treary with the King, but neither was that new, because the Commission

mission at *Edinburgh*, before the Kings house comming, had in a very large Letter to the Commissioners at *Holland*, holden forth their great dis-satisfaction with the Proceedings of that Treaty in many particulars; and the Commission at *Leith*, before the defeat at *Dunbar*, had also holden forth the Malignant design that was then carryed on, and had given it in as a publick cause of humiliation to the Committee of Estates. It is true that the Commission was *de facto* convened within eight dayes, but as we have already said: It was not propable at the time of emitting these causes, that it should so have been; and I pray the Author or any rationall men soberly, to think what move but the sense of duty, and the pressing expedience of the thing should have indued these Protesters of whom he speaks to be so headstrong and forward, to anticipate the Meeting of the Commission, seeing they had ground to think, that the Commission at their Meeting were like to condescend on these things as causes of Gods wrath, which was verified thereafter, by the approving thereof; but the Author tells us that the Commission did both alter somewhat (of which I shall afterwards speak, and adde some thing; to wit, a Post-script, recommending prayer for the King; as well as mourning for his sins, which by the debate that was made against it by Mr. *James Guthrie* and the Register, for the space of half an hour (as he sayeth) seemed to have been purposely left out, and that which the Commission approved was the matter of these causes, and not the way of emission, wherewith many of the Commission shewed themselves dis-satisfied as a practice without example, and a preparative tending to the overthrow of the Government. The Commission did indeed adde that post-script concerning prayer for the King, against the expediency of which addition to be made at that time, Mr. *James Guthrie* and the Register did for a little debate, how the Author should know so exactly the measure of the time, I leave it for himself to answer, the ground of their so doing was not that which he alledgeth; the Register hath many living witnesses that he was no adversary to praying for the King; and Mr. *James Guthrie* having keept that humiliation publickly in the Congregation at *Striveling*, before the Commission did meet or make any

such addition, did pray for the King, and why should they have opposed that which was their own practice; the Author is a little beyond due bounds, when he sayeth, *it seems to have been left out of purpose*, their debating against the adding of it was, because at first they did not conceive that there was any necessity to make an expresse and distinct Article of that, more then of many other things which we were no lesse bound to pray for, it being a thing so obvious, common and ordinary, and that now to adde it was to minister occasion without ground, to make others conceive that it had been indeed formerly left out of purpose, and so to raise needlesse jealousies and suspicions of some, as being disaffected to the King. Next, because they took it to be included in the causes to merly emitted, though not expressly; yet so as might be memorandum enough for concerning men not to omit it; he that mourneth rightly for the Kings sins, will also be an intercessor to God for him, to bestow upon him the contrary graces and vertues. I shall not debate with the Author whether the Commission did approve only the matter, or also the way of emission of these causes; sure I am, they did not condemn the way of emission, and if he shall be pleased to look upon the tenour of the Letter that at that time was written by the Commission to the severall Presbyteries, wherein these causes are mentioned, he will finde something that looks towards an approving of the way of emission as well as of the matter; it is true that some of the Commission shewed themselves exceedingly dissatisfied; yea, more exceedingly then was fit and becoming their place and parts, or the gravity of such a meeting, but they were but some and not many; if it was a practice without example, it had also a ground without example: but if the Author shall be pleased to peruse the Registers of the Church, I believe that he shall finde examples of particular Presbyteries sending their advice abroad concerning causes of a publick humiliation, and that the members of the Commission in things that were clear and unquestionable, and could not admit of a delay, have sometimes when they wanted one or two of their Quorum done some things of publick concernment; let him look upon the Registers of the Presbyterie of *Edinburgh*, and of the Commission

mission and he will find it so. That it was a preparative tending to the overthrow of government ; I cannot see when I look upon it as impartially as I can, I know that he formerly called it an usurpation, and if it had been so, there were some ground for this new charge, but I trust, I have sufficiently vindicated it from usurpation, and therefore there is nothing brought that can bear the weight of this : But for the discovering of the mystery of all this business, upon which so great a stress is laid, I desire the Reader to be informed, that when these causes of humiliation were first sent abroad, one of the Commissioners of the Church who had been employed in *Holland* in the matter of the Treaty with the King, conceiving that his carriage in that employment was reflected upon in that article, which speaks of the crooked and precipitant wayes that were taken for carrying on the Treaty with the King, as one of the causes for which the Land ought to be humbled ; he did take it so impatiently, that not only did he declare that he could not read these causes as they were first emitted, and that if they should be read in the Congregation, wherein he had charge, he behoved to make some Protestation or bear some testimony against them; but also when he came to the Commission did sharply challenge the way of emitting of them; the want of an article relating to prayer for the King, and that Article concerning the treaty, as reflecting upon the carriage of the Commissioners of the Church employed in *Holland* in that business, because the Article as it was first emitted, did mention the crooked and precipitant wayes that were taken by sundry for carrying on of the Treaty, without restricting the same to our Statesmen, therefore for peace sake, and to give him satisfaction, a Postscript was added to the Letter which was at that time written by the Commission, and sent to Presbyteries concerning prayer for the King. and the Article concerning the Treaty with the King was somewhat altered by restricting the sundry that are spoken therein to sundry of our statesmen, whereas before it was indefinite, and without any such restriction; and these are the additions and alterations that he speaks of. I write not these things for lessning the credit and reputation of that person, or bearing upon him more than upon others, any particular guilt in the matter of the Treaty, but for the truthes sake

and that he may be exhorted to consider yet again, whether the zeal of his own credite, which many times byasses the spirits even of good men, have not too too much ingaged him in the defence of that businesse, and in exaggerating and challenging every thing that seems in the least measure to reflect on the same, which he hath the more reason to do, not onely because it is ingraven on the hearts of the generality of the godly in the Land, as with a pen of iron, and with the point of a Diamond, that this Land, and especially the Rulers and Mintters thereof, have sinned a great sin in that matter of the Treaty with the King; but also because sundry of the precious and godly men who were with him employed in that matter, do bear such a conviction of the guiltinesse thereof upon their spirits, that they are not like to forget it whilst they live, and some of those who were most active and forward in the businesse, being now taken out of the land of the living, did upon their death bed confesse their guiltinesse in this thing, and sadly bemoaned it before the Lord in the hearing of faithfull witnesses who do bear record of it. I know that these things are no rule to him, but they may, and I hope shall provoke him to search this thing, and himself therein again and again.

VINDICATION.

Sixthly, Suffering some in their publick Meeting at Edinburgh, contrary to solemn Declaration and oath made, both in our Nationall Covenant, and Solemn League and Covenant, by writ, to represent this as a main cause of wrath upon the Land, that we had bound and engaged our selves to Presbyteri- all Government, Without any censure passed upon the said Paper or testimony given against it to this day, though now it be going abroad in Print.

R E V I E W.

THe Meeting at *Edinburgh* did not omit any thing that was in their power, for the hindering of the giving in of that Paper, such of them as heard of it before it came in, shewed a great dislike of it, and dealt as seriously as they could with the

the Gentlemen who gave it in, to forbear it ; and when it came in the Meeting shew their dislike of it, and did appoint some of their number to confer with him about it ; who did accordingly confer with him, and endeavour to inform him of the errors contained therein, and in the Causes of the Lords wrath which were condescended upon by the Meeting at the same time; they did give a testimony against the matter of the errors contained in that Paper; though they did not expresse the particular words and articles thereof, conceiving it not fit so to do, seeing the Paper was not then publick. That it after wards came in publick, was contrary to their desires and endeavors, & also to the knowledge & intention of him who gave it in, if we may trust his own testimony, which I believe the Author will not question in matters of fact. But the Author stumbles at this, that we have given no testimony against it to this day : If he hath read the testimonies which we have since that time given against all things in that kind, that may import any prejudice to Presbyteriall Government, or to any part of the Doctrine, Worship, Discipline and Government of the Church of *Scotland*, he doth us wrong to write so; & if he hath not read them, then he shall be pleased to do it, I hope in this he shal receive satisfaction : It becometh us not to boast of any thing that we do, it is through grace, and not of our selves; but when groundless imputations are born upon us, to render the integrity of our Profession suspected, indifferent men will bear with us a little in our folly : if we say that in this day of temptation we have not been behind the greatest Zealots for the Publick Resolutions, in bearing testimony for the Doctrine, Worship, Discipline and Government of the Church of *Scotland*, and for all things relating to our Religion and Liberty, and yet not we, but the grace of God in us.

VINDICATION.

Seventhly, taking upon them judicially to determine a *General Assembly* convened, continued and closed, to be an *unlawfull* constitute Assembly, and judicially to condemn the Acts thereof, which no power on earth could do, inferior to

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another General Assembly, and to assume unto themselves the authority of a Publick Judicatory in the Kirk, as having Commission from another prior Assembly, before it was examined and determined by a judge competent, whether the intervening Assembly, (whose meeting, if lawfull, did extinguish all Commission from a prior Assembly) was lawfull constitute or not, all the world shal not be able to clear this from usurpation. I shal adde nomore instances to this purpose, though I might adde not a few; and as for these I have brought, the Reader may perceive that they do not belong directly and formally to the matter of the questions in controversy between the Protesting Brethren, and the late Judicatories of the Kirk, but that they are such as suppose the late Judicatories had gone wrong in some of these matters in controversy, yet they can never be cleared from contempt and wronging of the established Government of this Kirk, which in their carriage to the General Assembly did appear, which was not straight and according to their Profession and the established government, I leave it to be judged by what followers in the examination of the Reasons they alledge for what they did.

R E V I E W.

I Shall not debate with the Author, whether they have taken upon them judicially to determine the nullity of the Assembly at *St. Andrews* and *Dundee*, and judicially to condemn the Acts thereof, though he take it for granted, it may be that he have some difficulty to prove it from any deed of theirs; but the hinge of this whole businesse in reference to that Assembly and the Acts thereof, and the setting up and proceeding of the Commission of the Prior Assembly of the year 1650. is in this, whether that Meeting at *St. Andrews* was a lawfull free Generall Assembly; for if it was not so, then was it null *ab initio*, and the Commission of the prior Assembly are full in power; and therefore are not guilty of usurpation, or of the assuming of any authority, which is not competent for them, but do only exercise that which was given them, whereof they have still the just possession; and the case being thus, as I hope it shall be made to appear, notwithstanding of any thing the

the Author hath said to the contrary, might not the Commission being clearly convinced upon good grounds, of the unlawfulness, unfreedom and corruptness of that Meeting, and the Acts thereof, with the advice of diverse Ministers from severall parts of the Land, agree upon this as one of the Causes of the Lords controversie, and offer and advise the same to be made use of by all the Lords people in this Land. Was it a fault in our non-conforming fore-fathers, to bear a testimony, and give a judgment against the six corrupt Assemblies, and to reckon these Assemblies among the sins and guiltinesse of the Land, and to desire the Land to be humbled for them. If any of the Presbyteries of these times did passe a Presbyteriall judgment and sentence upon the nullity of any of these Assemblies, and the iniquity of their Acts, did they wrong in so doing? and was this more then any power on earth could do that is inferior to another General Assembly? If it be thus, the Church is like to be in an ill case, if a General Assembly once go wrong. I know that Inferiour Judicatories have no power over the Superior, as a Commission or Presbytery over a General Assembly, but this hinders not if any assume to themselves the name and power of the Superior to whom they do not belong, and by the pretended authority thereof make unjust Acts; but the Inferiour say from the Word of God, and from the Acts and Constitutions of the Church, declare the nullity of these powers, and the iniquity of these Acts. The Author hath taught us, that an Assembly both wrong constitute and erring, or only wrong constitute, is no other wayes an Assembly, then a painted Man is a Man; and it can be no great fault for any living Man to discover the deceit of an Image, that others be not deceived thereby. He insinuates, that he could adde more instances not a few: It is like that he hath brought forth these in which he conceived the greatest weight to lye; and if these being weighed in the balance be found light, we need not be afraid of what is yet in his treasure. He saith true, that the instances which he hath brought, doth not belong formally and directly to the matter in question, but he hath fetched a great compass to get them in, supposing by these things to reach fore blowes to the Professions of the Pretellers, and to discover the

hypocrisie

hypocrisie thereof; but how he hath proven his alledg eance, I leave it to indifferent men to judge, who may also give sentence of their carriage to the Generall Assembly, after the perusal of his Vindication and this Review.

VINDICATION.

THeir next pretention or profession is, that they look upon the present differences of the Lords servants of the Ministry, as one of the greatest tokens of the Lord his indignation against this Kirk, and that they hold it their duty to be humbled before the Lord in the sense thereof, and by all lawful and sure means, within the compass of their power and station, to endeavour the remedy. Verily, these differences are so to be looked upon, because of the anger of the Lord, this Land is darkened; a man spareth not his brother, Ephraim is against Manasseh, and Manasseh against Ephraim, and both against Judah. And as all the Lords People and servants in the Land have cause to be humbled before the Lord in the sense thereof; so, some of these Brethren in a speciall way, as being the main Authors and promoters of these rents and divisions. Let impartiall men look back and consider the beginning and progresse, and every step of the present divisions in this Kirk and Kingdom, since the defeat at Dunbar, and see who have been the prime Agents thereof: I shall but point at some particulars, who were they who after the defeat at Dunbar, divided one part of the remnant of the Army from the other (which was the first appearing step of our divisions) and would never suffer them to joyn and unite together again, was not the contriving of the Western Remonstrance the next step of our division, and of it self a most divisive course, as containing positive determinations of matters of publick and highconcernment, & condemning approben publick Acts, not only of the State, but also of the Gen. Assembly by private men, without any advice had or sought from the Publick Judiciaries either of Kirk or State; yea, containing also in the close thereof, a bond engaging themselves to prosecute the matters of that Remonstrance according to their power, a thing judged always in this Kirk a most divisive thing for any privat men to do by themselves. Was it not some of these Brethren, who when

the Conference was at Peaith upon the Remonstrance opposed by all means conjunction with the distracted Forces of the Kingdom, and when it was proponed in the Conference, if they enjoying their own judgement concerning the dis-owning of the Kings Interest, yet upon other grounds of the quarrel, wherein they agreed with the rest of the Kingdom, would joyn with the rest of the Forces for defence against the common Enemy, did not some publickly and plainly professe, that they could not, and they would not joyn: Are not these Brethren the men (that because the sense given upon the Western Remonstrance, though the most moderate, and with much tendernes and respect of the persons having hand in it) with-drew themselves in a most tumultuous and disorderly way, never daigning themselves to come to the Meeting thereafter, which was the next step of our divisions. Was it not a divisive course, when the Resolutions were given to the Parliaments Quare, concerning persons for to be employed in the defence of their Countrey, presently to emit and spread Papers through the Countrey (under pretence of Writing them onely as Letters to the Commission, expressing their scruples) condemning the said Resolutions as a defection from the Covenant and former principles, suppose they thought in their Consciences these Resolutions to be such: yea, suppose that really they had contained some matter of that kind, & that their Commission had erred (as humanum est labi) yet they shall never be able to clear themselves before indifferent Judges, and impartiall of divisive walking, in disdainning to come and propone their doubts and reasons against that Resolution, in an amicable and modest way in the Commission is self, and taking such a way of Writing and sending abroad testimonies (as they called them amongst themselves, peremptorily condemning, traducing, and tending to the rendring odious, honest, faithfull and godly Brethren, and agenting as diligently as they could, to induce others through the Countrey to do the like. Many other instances, or divers motions may be given, but by this much let any man judge, if they have not cause to be deeply humbled for the divisions in the Land amongst the Lords servants.

I Shall not deny, but some of these Brethren have in a special way, reason to be humbled for the divisions of the Land, as they are the righteous judgments of the Lord upon their sins, which have been greater then the sins of many; neither am I so zealous of their credit, as to say, that no circumstance of their carriage in these things, could have been better ordered, they are but poor weak men, compassed with many infirmities, and subject to the like passions with others; but that they have reason to be humbled in a special way, upon the account of being the Authors, let be the main Authors and promovers of these rents and divisions, is a groundlesse and unjust charge, which no man is able to make out; the Author doth either unknowingly or willingly mistake in that which he calls the *first step of the divisions*, to wit, the dividing of one part of the remnant of the Army from the Army, by these Brethren: These Gentlemen who did remove from *Sterlin* immediately after *Dunbar*, unto the West, did go thither by the order and approbation of the Committee of Estates, who did also appoint the Levies of the West, and their Conducters, and designed their work to them from time to time, as can be made good by many Acts and Letters, under the Lord Chancellour and Clerk of the Committees hand, and they were therein also countenanced by the Commission of the Church, who wrote to them for their encouragement; yea, it was the counsell of some of these who were chief in the Assembly at *Dundee*, that these Gentlemen went West. That they did not joyn with the rest of the Forces of the Kingdom, was, because it was refused to state the War as it was formerly stated by the Declaration of the Church and State on the 13. of *August*, 1650. and to satisfie them in the conduct of the Army, by appointing a man qualified according to the solemn Engagement, to lead the Forces. What he sayeth of the Remonstrance, which he calls the next step of our division, is answered already, except that which he alleadges, that it doth in the close thereof contain a bond, engaging themselves to prosecute the matters of that Remonstrance, according to their power, which hath been
often

often cleared by themselves, that it did contain no new bond to any new thing, but a declaration of their resolutions to keep their former bonds and engagements; in testimony whereof, they were willing, and did often offer to explain their meaning in this particular, for the satisfaction of these who doubted thereof. He doth (under favour) make a very false relation of the Conference at *Pearth*. In that conference these Gentlemen and Ministers who were sent from the West, did often declare, that they were willing to fight upon that state of the quarrell holden forth in the Declaration of the 13. *August*, and to joyn under the leading Officer of the Forces of the Kingdom, providing that he were a man qualified according to the solemn Engagement to duties, to wit, of a blamelesse and Christian conversation, and of unquestionable integrity, and affection to the Cause of God; In neither of which, satisfaction was offered unto them, and therefore it is no wonder though they had refused to hearken to the Proposition which the Author speaks of. What he layeth of their with-drawing themselves from the Commission, upon occasion of condemning the Remonstrance, and of their not daigning to come again, I have already answered somewhat unto it, and shall answer more hereafter. For clearing of that which concerns the Letters written to the Commission, and testimonies given against the Commissions Answer to the Parliaments Quare, I shall first set down some thing of the matter of fact, then answer shortly to what the Author sayeth. After that the Party of Malignant and disaffected men in the Land, who by subtilty and fair pretences had got the power of the Judicatories and of the Army in their hand, *Anno* 1648. were defeat at *Preston*, the Kingdome and Kirk of *Scotland* taking in consideration how often they had been deceived by that Party, and how much they had sinned against God, and smarted under his hand by intrusting of them, and complying with them, did in a solemn publick way confess this sin, and did solemnly before the Lord, engage themselves to do no more so, but to be carefull to purge out all scandalous and malignant men out of the Judicatories and Army, and to endeavour that such as was intrusted therein, should be of a blamelesse and Christian conversation, and of constant integri-

ty and affection to the Cause of God. In order to this solemn Confession and engagement, did many Supplications, Warnings, Remonstrances and Declarations issue from the Commission of the Church, and severall Lawes and Acts from the Parliament and Commitree of Estates, for purging and keeping pure the Judicatories & the Army, according to which, many endeavours were used for putting the same in execution, which for some time went on with some measure of successe and blessing; but that so good and necessary a work, did very soon begin to be retarded and opposed; first closely, and in an undermining way by some who did again begin to owne Malignant Interests; and afterwards more openly and avowedly; yet was the finfulness of complying with, and employing that Party so much abhorred and feared by the Church of *Scotland*, that not onely did the Commission of the Generall Assembly of the year 1649. and the Generall Assembly it self 1650. in the very time when the Land was invaded by the English, declare the employing and intrusting of such to be unlawfull, even in the case of scarcity of men for the Lands defence, but also the Commission of the Generall Assembly of the year 1650. did after the defeat at *Dunbar*, once and again give publick warning to all the Land to beware of compliances with that Party, and to take heed that under a pretence of doing for the Cause, and for the Kingdom, they get not power and strength in their hands for advancing and promoting their old malignant designs; yes, the question being directly propounded by the King to the Commission, concerning the employing of these men, it was answered negatively in a Letter written to him for that effect; yet after all this, the Commission did at an occasional Meeting give that Answer to the Parliaments Quære; by which a door was opened to the speedy taking in and employing of all that Party, first into the Army, and then into the Judicatories: Concerning which occasional Meeting, I desire to be observed, that notwithstanding of all that is formerly said, and that it was known that many members of the Commission, and many godly Ministers and Professors throughout the Land, were in their judgements opposite to the employing and intrusting of these men, and that the resolving to imploy them before satisfaction

faction given to mens consciences in the point could not but be
 matter of great stumbling and offence, and that a little before
 that time there had been one or two solemn Meetings of the
 Commission, and that there was a set Meeting of the Com-
 mission to be within a week or two thereafter, yet was there
 no mention of that business in these solemn frequent Meetings,
 and the other set Meeting was prevented by that occasionall
 Meeting called by the Moderators Letter, upon the desire of the
 Parliament, the leading men whereof at that time having long
 hunted after, and earnestly pressed that conjunction, did then on
 occasion of the defeat of the Forces at *Hammliton*, drive it ve-
 hemently on, under a pretence of necessity; and there were
 few above a Quorum of the Commission present at this occa-
 sionall Meeting, and many of these out of the Synod of *Fife*,
 who had gone far in the determination of that business in their
 Synod before that time; neither can it be alledged truly that
 the rest of the members of the Commission were advertited to
 keep the Diet, because no advertisement at all was sent to
 many in the North, who both might and ought to have been
 advertised; the business being of so great and common con-
 cernment, and so much scrupled in conscience; and the adver-
 tisements for *Sterline*, *Dumblane*, *Glasgow*, *Dumbarton*, *Pasley*,
Hammliton, *Irwine*, *Air*, *Lanrick* and these places, where a great
 many of the Commissioners were, and who were most like to
 scruple at the business, came but to *Sterline* on Tuesday about
 ten a Clock in the forenoon, to keep the Diet of the Commis-
 sion the next Thursday thereafter at *Pearth*; and no man can
 rationally say, that these advertisements could be transmitted
 from thence, and the Commissioners come thereupon timeously
 to *Pearth* within the space of 48. houres, it being now the
 Winter season, and when the day was about the shortest; nay,
 though convenient speed was used in dispatching these Letters
 from *Sterline*, yet the Diet was circumduced before the adver-
 tisement came to several of the Commissioners hands: I am not
 ignorant that all this is coloured with the necessity of a present
 Levy, because of the defeat of the Forces at *Hammliton*, but to
 say nothing; that that seems to presuppose a determination of
 the question in the affirmative before it was either propounded
 or

or debated; neither yet to say any thing, that in the construction of too many who did drive on a conjunction with the Malignant party, the necessity of a present Levy was not increased but rather diminished by the defeat at *Hammiltoun*, if there was such a necessity, then such a course ought to have been taken, as was most like to bring the businesse soonest to effect, which was to have done things in a fair way, and after mutuall debate and advice of all parties having interest, and not thus to have carried it without acquainting, let be hearing or satisfying of many who were no lesse interestted then they, and whom they knew to have many things to object against the imploying of these men; but after-carriages did make it plainly to appear, that there was no such pressing impressions of necessity as was pretended, because no great speed was made in the Levies for sundry moneths thereafter; and nothing was acted for a long time after the Levying of the Army, and untill the Act of Classes was rescinded, yea, and untill the Generall Assembly was set down to interpone their judgements in approving the Publick Resolutions, which was six moneths after giving the answer to the *Quere*; and could not that necessity that admitted of so many moneths before execution, have admitted of some weeks before resolution. The Commission having thus determined in this grave and important case, did presently write Letters to Presbyteries, requiring them to concur in their stations to make the Levies effectually, according to the Order and Resolutions of the Parliament thereanent; which were founded upon the Commissions answer to the *Quere*, wherewith many Presbyteries not being satisfied in their consciences, did write the ground of their stumbling and dis-satisfaction in their severall respective Letters, and sent the same to the Commission by some of their own number, which Letters were not spread abroad before they were communicated to the Commission, and if the Commission had given a satisfying answer, it is not like that they would have been spread at all, but Presbyteries being still pressed to obedience, without satisfaction to their Consciencs, they could not but make known the reason of their refusall, lest they should have seemed to others to be wilfull and obstinate, that they did amongst themselves call them

them Testimonies (and amongst others too) I believe it to be true, and that in case they should not be satisfied, they did intend them as standing Testimonies of their duty in that particular, which yet they thought more fit to do by Letter then any other more publick way, that they might therein shew themselves the more tender and respective of the Commission. That they condemned the Publick Resolutions as a defection from the Covenant and former Principles, was that which their Duty and their Consciences called them unto; yet did they no other wayes condemn them then by asserting that they conceived them to be so, of which assertion they did give a reason from the Word of God, and from the Covenant, and Warnings, Declarations and Remonstrances of this Church, to which if the Commission had returned a satisfactory answer, they would have been quiet and said no more in the businesse. That they did not come themselves and propound their doubts was, because they were many in severall places, whole Presbyteries; & such a way as this seemed to them to favour rather of tumult and faction then the way which they took, and experience did prove, that no great satisfaction was to be expected in that way, because when the Ministers of *Stirling* were called by the Commission to a conference at *St. Andrews*, and did not acquiesce to be silent & say no more against the publick resolutions, the Commission did inform the King, and Committee of Estates thereof, who sent for them to *Perth*, and confined them a moneth in that place; and when the Synod of *Glasgow* by their Letters to the Commission, desired a Conference, no satisfaction was obtained in the point of the Publick Resolutions. That they did in these things traduce honest, godly, and faithful Brethren; I think they may with reason deny; These Letters contained nothing that was personall, but only that which concerned the matter of these resolutions, which if it was evill on these Brethrens part who were Authors and abettors of the same; there is no cause to charge those who did endeavour the discovery thereof as traducers, or as the doers of these things that tend to render their Brethren odious. That they did agent diligently thorough the Country to induce others to do the like, is more then the Author can well prove; but though it had been

been so, was there not a cause to stop (if they could) the beginnings of backslidings and defections, which is as the breaking out of waters, therefore are they well able to clear themselves before indifferent and impartial judges of divisive walking in this matter, notwithstanding of any thing that is said by the Author in the contrary.

VINDICATION.

AS for their Professions, by all lawfull and fair means within the compasse of their power and station to remove the divisions. It is the duty indeed of all who would prove lively Members of CHRISTs body, and lovers of the Prosperity of Zion; and happy were the man that could be the Peace-maker, and repairer of our breaches. But if the late and present practice of these our Brethren do well agree with Profession, let GOD, and indifferent godly men judge. I shall not now insist upon the carriage and motions of some of them, in the beginning of the late Assembly at St. Andrews (which were by a reverend and judicious godly man, in their own hearing, said justly to be fiery motions, and petere jugulum pacis) nor yet upon the Protestation against the Assembly; as to this effect of which I am now upon, I shall only say this for the present, had it not been a more probable and Christian like mean for the remeading of the divisions, to have dealt for a Meeting of judicious and godly men on both sides (which certainly was within the compasse of their power and station) for a brotherly and amicable conference in equal terms about the differences; then they being but the one side, to take upon them the Authority of a publick Judicatorie, and by themselves straight way to condemn the other side as guilty carrying on a course of defection, and that to be the main Cause of the Lords Wrath on the Land, and to go on in that continued and assumed Authority, and acting by vertue thereof (as they declare preumptorially they will do in their answer given to the moderate and peaceable Paper sent to them by the Synod of Lowthian in their late Meeting in November) while as the most part of the Ministry in this Kingdom cannot in conscience but give Testimony against this usurpation, which may heighten differences and render them more incurable;

might

might not these things have been forborn without prejudice to themselves, for peace safety, at least till that other way had been essayed; I speak not now of the lawfulness of the late Assembly, or of the Publick resolutions, but supposing these matters to be sub judice, as they are at most betwixt us and them, could there have been a way more obstructive to union between the parties differing, or more effectual to render the divisions desperate then for the one party, and that the far lesse party by more as ten to one to condemn the other in a Publick way, and represent them as the main procurers of the Wrath of G O D upon the Land, and to take upon them at their own hand to be judges over their Brethren; G O D will not be mocked, thus is not agreeable to their Profession and endeavors, by all lawfull and fair means to use Remedies of Peace. What these our Brethren wil do hereafter towards Peace, I Wil not now take upon me to predetermine nor to prepossess any with prejudices against them; many of them I am perswaded are men fearing God, and not only loving the Peace of Zion, but also are learned and understanding in these things that belong to the Peace of the Kirk, yet certainly it is feared by many both godly and wise, that some amongst them, for all the businesse that is made about Conferences upon differences (which indeed are not to be rejected, but to be followed by all means) and professions made of aims and desires thereby to have all divisions removed, yet hath no other purpose but so far as they can to strengthen their own way in every point, and to fix the division from the most part of the Kirk of Scotland, the good Lord avert this; but if this appear at last, we hope that men of understanding and soundnesse upon that side of the differences wil remember and make use of what they have learned and know and have professed concerning the Church Constitution and of schisme, and separation against independents and separatists.

R E V I E W.

THere is nothing said here of the Protesters that doth infringe the integrity of their Profession, and resolution by all lawful and fair means within the compass of their power and station to endeavor the remedy of the divisions: it is true that one

of the members of the Commission to whom I do not deny the Testimony of a reverend, judicious and godly man, did call the exceptions propounded against those members of the Assembly who had been members of the Commission, a *fiery motion*, and such a thing as *petit jugulum pacis*, which was not then more sharply spoken then it was modestly taken; but to say nothing that in that particular, he was a party that speaks so (*pace tanti viri*) there was no just reason to call it so, the exception, being so wel grounded as it was. I wish the Author may lay as much weight upon the words of that worthy man in other things concerning the Publick resolutions, as he doth in that speech of his. As to the Authors discourse concerning their taking upon them the Authority of a Publick Judicatory, and declaring peremptorily that they will so do, and condemning the other side, they being by far the fewer number, and whilst the matter was yet *sub judice*, when he shall be pleased to give us an answer concerning his and other mens taking upon them to be an Assembly and to make acts not onely condemning their Brethrens judgement but also censuring them with the sentences of suspension & deposition, then shal an answer be given him concerning this. If it be said that they were an lawfull Assembly, but the other was no lawfull Commission, that is the question, and if truth be on his side, as to the freedome and lawfulness of the Assembly what he sayeth of their setting up of the Commission hath weight; but if that Assembly was no Assembly, then was the former Commission still standing, and they were in no fault to convene and exercise the same; it is true that the matter is *sub judice*: but was not the matter also *sub judice* betwixt the Meeting at Dundee, and the Protesters when that Meeting took upon them, notwithstanding of the Protestation to be an Assembly, and did make acts, censuring some, and laying an foundation for the censuring of all these that should refuse to acknowledge their constitution, or after conference oppose their Acts. In answer to the rest of his discourse upon this head, I desire the Reader to take notice, that after severall essayes of a conference with the Commission by the Synod of Glasgow to little or no effect, at the Meeting at St. Andrews, these who were dissatisfied with the Publick resolutions, did offer to the Meeting a humble

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supplication, desiring them to forbear to constitute themselves in an Assembly, and to adjorne the Meeting untill peaceable and fair means should be used for composing of differences, which was altogether refused to be read; then after that the Meeting had constituted themselves in an Assembly, it was desired by these brethren that they would appoint some of their number to confer with them about differences, which was long & tenaciously opposed, as carrying with it a reflection upon these of the Commission who had carried on the Publick Resolutions; and a prejudice to the Assembly in judging of these resolutions; at last the result was this, that such of the Assembly as they desired to confer with might speak with them, but that no particular person should be nominated, nor any thing written thereof in the minutes of the Assembly: In prosecution of this desire, some of the unsatisfied Brethren did meet with the Moderator of that Assembly, and some other eminent men members of the Commission at Mr. Robert Blair his chamber two several diets, and after some conference to and fro, did earnestly beseech and presse upon them (some with tears) that they would be pleased to be instrumental in adjourning the Assembly, and in delaying to ratifie the Publick Resolutions; but they were not pleased to condescend so much as to undertake to be assisting to these brethren in obtaining their desire, & that night in which the Meeting was adjourned from *St. Andrews* to *Dundee*, the dissatisfied Brethren did again publickly presse that the Assembly might be adjourned till some considerable time, till pains might be taken in an amicable way for composing of differences, which being refused, they were necessitated to Protest, as seeing no other remedy against the current of backsliding; notwithstanding of this Protestation, the Meeting at *Dundee* went on, not onely to the ratifying of the publick resolutions, but to the condemning of the Protestation, censuring of some of the Protesters, and making of Acts declaring all of these censurable who shall not acknowledge their constitution, and submit to their Acts, and appointing Presbyteries and Synods in their respective bounds to proceed to the execution thereof, and giving power to their Commission for that effect where Presbyteries were negligent. What length their Commission was gone, and

what they had in consideration against the Protesters, when they were interrupted and broken off by the surprizall at *Elior* themselves best know. After that time the Lord was pleased to exercise the Land with so sad dispensations, as for a good while made all Publick Meetings of Ministers very difficult and dangerous, untill the Country being somewhat quieted, about the midst of *October*, these who had Protested against the Meeting at *St. Andrews* and *Dundee*, as not being a lawfull and free Generall Assembly, with many other Ministers and Elders from severall parts of the Country, did meet at *Edinburgh*, where after some dayes spent together in Prayer, and supplication, and in confessing of their sins to God, and one to another, they did in the next place after conference, and mutuall communication of Light one with another, set down their thoughts concerning the Causes of the Lords wrath against the Land, that in that time of darknesse, there might be some light and directory in these things to such as were willing to receive and make use thereof; amongst these causes of wrath, they did condescend upon and reckon the Publick Resolutions of Church and State, for bringing the Malignant party, first to the Army, and then to the Judicatories, and the actuall intrusting of them with the power of the Kingdom both Military and Civil, and the prelimiting and corrupting of the Generall Assembly in the free and lawfull constitution thereof; and its ratifying of the Publick Resolutions, which did involve a defection from the Cause, and laying a foundation for censuring of all such who did not approve of the constitution of that Assembly, and submit to the Acts thereof; and finding themselves more and more convinced of the nullity of that Assembly at *Dundee*, and how needfull it was to preserve the Church of *Scotland* in the possession of her due priviledges, and to keep together a remnant, who might be as a branch of hope (if so be the Lord would be favourable to them, and take pleasure in them) for repairing of the breach, such of them as were Members of the Commission of the Gen. Assembly, did find themselves warranted and called of God, to take possession of the power and trust committed unto them by the Assembly 1650. yet so, as they did not authorita-
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tively impose or require obedience to any of their Emissions concerning the causes of the Lords wrath (which was the only thing they meddled with) but having agreed upon these Causes, with the advice of diverse Brethren from severall parts of the Kingdom, did offer and advise the same to be made use of by all the Lords people in the Land leaving place to adde, as the Lord should make further discoveries thereafter. At the same time all the Brethren who were met, did write Letters to sundry reverend and godly men in the Ministry, of a different judgment, desiring an amicable Conference with them; and conceiving that they could not well be brought together to one place in such a season of the year, and when travelling was so difficult, they did appoint some of their number to wait upon some of them at *St. Andrews*, and upon others of them at *Glasgow*, who might hold forth unto them what in their judgments was the most conducive means for union and peace both with God and among our selves, and to hear what should be offered unto them by these Brethren; what passed in these Conferences, I leave it to these who were present to relate, hoping that none who were present will say, that the desires and endeavors of union did break off upon our side; those of our number not only professing themselves willing to confer & hear what should be offered unto them, but to attend at any other diet that should be appointed, and to endeavour it it were desired, a more numerous and frequent meeting of Brethren of both sides: From all which it doth appear, that the Protesters all along, have been pursuers of peace, and not promoters and fosterers of division. The Author propounds the question, If it had not been a more probable and Christian like mean for remedying the divisions, to have dealt for a meeting of judicious and godly men on both sides, and for an amicable and brotherly Conference on equal terms about the differences, then that the Protesters being but the one side, should have taken upon themselves the authority of a Publick Judicatory, and by themselves straightway to condemne the other side as guilty. In answer to which, beside what is already said, I would first ask the Author, Whether it be fair dealing, that these at *St. Andrews*, after they were earnestly entreated of their Brethren, to adjourn
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and delay the ratifying of the Publick Resolutions, shall first take upon them the Authority of a Generall Assembly, to ratifie the Publick Resolutions, condemne their Brethren who protest against them, censure some of them with Suspension, and others of them with Deposition for that very thing; and lay a foundation for censuring all of them, and all others in the Church of *Scotland*, who should continue to differ from them, and oppose them in these things, and then afterwards cry out upon their Brethren, who hold forth the sin and iniquity of such proceedings, as upon men who are not for peace, and do not take the most probable and Christian-like mean for remedying the divisions; The Author knowes who were in the Church of *Scotland*, who did tread these steps not long ago: Next, they did conceive it to be the most probable and Christian-like mean for remedying the divisions, to fall upon the root of the matter; by holding forth that which had divided us from God, and God from us, and one of us from another, taking this for the most genuine and sound, & safe, & Christian method of proceeding, yet walking so therein, as that they did onely soberly and by way of advice hold forth their judgments, and not impose upon any; and as they left an open door to others, to adde what further discoveries of guiltiness the Lord should make known to them, so were they as sharp and searching against themselves, as against any others. What dissonancie from their Profession is in all this, and if it be but a mocking of God (as the Author insinuates) I hope and pray, that the Lord will reveal it unto them, seeing they did it in the simplicity of their hearts, looking upon the same as a speciall and necessary point of their duty, in this day of indignation and back-sliding; but if it was acceptable service to God, as I trust it was, I hope the Lord will countenance and follow it with a blessing from Heaven, that there may be a profitable fruit thereof to his poor servants, and to his poor Church. I know not well who these be of whom the Author speaks, who notwithstanding of all the business that is made upon conferences about differences &c. yet if the fears of many, both godly and wise may have weight, have no other purpose but so far as they can to strengthen themselves in their own

own way , and to fix the division from the most part in the Church of *Scotland*. If any profess what he doth not intend, he may abuse others , but he doth but encrease his own guiltiness. I dare say, that the desires of Union upon the Protesters side in the Meeting at *Edinburgh*, which was profest to be called in order to Union, were real, and in their hearts as well as in their mouths ; as it was to them a matter both of grief and wonder, when the Commissioners who came from the severall Synods, did not only refuse to delay, till Brethren of a different judgment (who were absent because they had no calling or invitation to come, and could not intrude themselves) might be gotten convened , but also without any previous right understanding, or any Overture in order therunto, did resolve upon keeping an Assembly, according to the Indiction at *Dundee* the last year , which gives just occasion of suspicion to many godly and wise to conceive that the zelotes of the Publick Resolutions, had more in their eye the strengthening of themselves in their own way , and bearing down and censuring of their Brethren who differ from them, then any union and right understanding with them ; the Commissions that some who came to that Meeting were clothed with, and the Letter and Articles that others of them did so much magnifie, and do so closely stick to, do confirm them therein, and this brings forth in them this fear, that as the strict adhering to the Publick Resolutions, and to the Constitution and Acts of the Assembly at *Dundee* , shall obstruct the purging of this Church from corrupt Officers and corrupt Members , and bear down and drive out many precious ones, who cannot be consenting unto , but must bear testimony against these things; so also that it shall make many of the godly in the land to stumble exceedingly at the government of our Church, and from a despair ever to see this Church purged, to think of separating from it, in which though they may do what they ought not to do, yet it doth exceedingly concern the Author and others of his way to consider of this, and to take heed that they do no more offend the little ones, nor tempt them above what they are able to bear.

VINDICATION.

IT should now follow that we come to the examination of the Reasons alledged against the Assembly, but that there is one passage more in the Narrative of their Protestation, which cannot be passed by without some inquiry upon it, it is in these words: But as the faithfull servants of Jesus Christ in this Kirk in former times, did by the good hand of God on them, bring the Work of Reformation unto a great perfection and near conformity with the first pattern, some unfaithful men minding their own things more then the things of Christ, & usurping over their Brethren and the Lords Inheritance, did deface the beauty thereof, first by encroaching on the liberty and freedom of the Assembly; after Ward by taking away the very Assembly themselves, therefore remember, &c. I shall not stay here to examine the Grammar and Logick of this passage in relation to antecedents and consequents, wherein (it seems) Whileas they have been too forward and earnest to let out indirectly a blow at honest men, they have somewhat overseen themselves, as might be clearly evidenced; but this is not worth the while, nor shall I insist upon it to enquire the mystery. It may be insinuat there, where they say, that the faithfull Ministers of Jesus Christ in former times brought the Work of Reformation to a great perfection, and a near conformity with the first pattern; for these epithets of great and near cannot be looked on in this place, but as termini diminuentes, because perfection & conformity to a rule, are in themselves and their own pure signification, such terms as no epithet of quantity in the meer positive degree can be added to them without diminution of the thing signified by them. When you say, an action is come to a great perfection, and to a conformity with. You say not so much as if you said simply, it is come to perfection and conformity with its rule; now the Work of Reformation here being meant the outward Ordinances, the brethren would do well to tell, and it were wisdom for every honest professor to enquire What they judge wanting of perfection and conformity to the pattern, in a Reformation of outward Ordinances, carried on by the good hand of God upon these his servants; for my own
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part, I am not given to be jealous, yet I think it is safe now to take heed no late at anguis in herba, the rather, knowing that it hath bin the way of some of these lands since the work of Uniformity began in them, to say, that the work of Reformation in Scotland was a good way on; but that there are yet further attainments then it was brought to, & now it is begun boldly to be presented into a Meeting, pretended to be the public Commission of the Kirk, that the taking of Presbyterian Government is the greatest perfection attainable in Church-government, and that the maintaining lesse then positive evidences of Grace, is sufficient for constituting one a member of the visible Kirk, and sundry other weighty points of the Doctrine and Government of the Church of Scotland, are chief causes that have brought the present judgments on the Land; which I dare say, the presenter of them would never hazarded to have presented, had he not known of some good liking of them in some Ministers. ; nay, I will say further, though the man be understanding as to his station, beyond many others, yet who ever knows him best, and will consider the stile, contrivance & conceptions in those articles now extant in Print, Will (I doubt not) say, there hath been the hand of Joab, another head and pen in them then his own. This by the way, that which I would have especially observed in this passage, is to what purpose in this place are brought in these unfaithfull men the Prelats, who minding their own things, &c. and all this made an antecedent, whereupon is inferred the Protestation against the late Assembly, for immediately it followeth; therefore remembering &c. whereunto tendeth all this, but to bear all in hand that shal happen to read this Protestation, that the Brethren that have been lately, & are opposite to them, the professors have been, and are treading the steps of those unfaithfull men the Prelats, and their mentioned practices? a second suggestion (to say no more) against their Brethren, many of them not only such as yet they dare not but professe to esteem highly of, but even many others Whom they despise, have been honoured of God to stand constant against the Prelats usurpations for the liberty of Assemblies, when few of their accusers have had the honour so have had their hand at the work; yea, some (it may be these from Whom the suggestion is sued) were taking unwarrantable

orders from Prelats, and doing more too? How can honest Christian hearts admit so slanderous a suggestion against so many honest men, whose faithfulness, integrity, honesty & constancy in the truth, hath been so well known and sealed by God, quis tulerit Gracchos (I speak not of them all) de seditione loquentes? if need be it will be easie to discover, or rather to name (for they are not hidden in the dark, the Prelaticall steps that some have trod these years last by-past.

R E V I E W.

THe first thing which the Author challenges in that passage of the Narrative of the Protestation is, the Grammar and Logick of it in relation to antecedences and consequence, concerning which he thinks that too great forwardnes to let out indirectly a blow at honest men, is made, the Protesters somewhat to over see themselves, but he spares the clearing of it, and not being worth the while till it be cleared, these who see it cannot take with it. In the next place, albeit he professes himself not to be given to be jealous, yet it is too great jealousy and prejudice that raises so great a stir about so innocent and harmlesse an expression as this. That the faithfull Ministers of Jesus Christ in former times brought the Work of Reformation in Scotland to a great perfection and near conformity to the Word of God; What mystery is here? have not the like expressions been used heretofore in the Papers and Books of the Relaters and Asserters of Reformation and Government of this Church; but (saith the Author) great and near are here diminishing terms, and imports yet something to be wanting to perfection and conformity to the pattern; and therefore he thinks the Brethren would do well to tel, & that it were wisdom for every honest professor to enquire what that is that is yet wanting. The brethren do tel, & all honest Professors may be perswaded so believe, that they had no wil before them that expression, and that they do willingly subscribe to the testimony of a worthy man in this Church, whose love unto, and estimation of the Work of Reformation, is above all exception, to wit, that the Church of Scotland, after the Reformation, did by degrees attain to as great perfection both in Doctrine and

and Discipline, as any other Reformed Church in *Europe*: But it may be this will not satisfy the Author, because his Logick teaches him that by saying *great perfection and near conformity*; they have said lesse then if they had said simply, it is come to perfection and conformity. To say nothing, that the Work of Reformation is capable of a greater growth in the practicall use of the things that are known and profest, and of a discovery of further degrees of light and perswasion in these things. Will the Author say, that nothing at all, no not the least pin or circumstance of perfection & conformity with the first pattern, was then wanting to the work of reformation in *Scotland*, if so we desire him to tell us, what kind of power it is that is exercised by the Magistrates and Councils of Burghs then they chosse Commissioners to the Generall Assembly, and what is the extent of the Doctors Office? I ask not these things to cast any blemish on the Work of Reformation, which I do willingly acknowledge to be such as may compare with any of the Reformed Churches, and in some respect (so far as I know) hath the pre-eminence, but to satisfy the Authors needlesse curiosity, these things being considered, makes it to appear, that these words even when stretched upon the tenter-hooks of the Authors nicety, do yet bear a convenient and true meaning, and that none needs thence to fear a serpent lurking in the bush. I acknowledge that it hath been the way of some in these Lands since the Work of Reformation began in them, to say, that the Work of Reformation in *Scotland*, was a good way on, but that there are yet further attainments then it was brought unto; but it was apparent from others of their expressions, and from the whole tenor of their carriage, that they had therein a bad meaning to wit, that we should not hold fast the things which we have already, nor walk by the same rule, but that we should make an alteration and change thereof; and therefore there is reason to be jealous over such; but to be jealous over these whole expressions & carriage gives no ground for it, is but to torment our selves with needlesse fears; and to wrong others. I have already given some accompt of the Paper presented to the Meeting at *Edinburgh*, (which the Author doth here repeat again) and shall now adde these

few things in answer to some circumstances of his discourse. First, that Paper was not presented to a Meeting that either really was or did pretend to be the Commission of the Church, but only to a Meeting of Ministers and Professors, acting not in the capacity of any Judicatory, real or pretended. Secondly, that all the Ministers who were there, did testify their dislike of that Paper, and even these whom the Author and some others do haply most suspect, did seriously dissuade from the in-giving of it. Thirdly, I know not who is the *Joab* he means of; but I do well know, that the men of that Meeting who are most slandered as the plotters and contrivers of such things, had neither head, nor hand, nor heart in that Paper; and if I rightly remember, I heard it asserted by the Author of it, there was no other head nor pen in it but his own; these who know him well, may think that he hath that much ability as to reach the stile, contrivance and conceptions in these Articles; and therefore whilst the Author speaks these things by the way, he hath gone a little out of the way. That which he would have chiefly observed in this passage, is, To what purpose in this place are brought in these unfaithfull men the Prelates, who minding their own things, &c. and such an inference made thereupon, as tendereth to bear all in hand that shall happen to read the Protestation, that the Brethren that have been lately, and are opposite to the Protesters, have been, and are treading the steps of these unfaithfull men the Prelates, and their mentioned practices and shrewd suggestions, as he calls them; on which he waketh not in the Vindication of his Brethren, and in recriminations upon others; but I desire him and others who read these things in sobernesse of minde, to consider first that the estimation which the Protesters have of the ability and godlinesse of sundry of the Brethren, who have been and are opposite to them in the Publick Resolutions, is above exception and manifest, I hope, to the Consciences of these Brethren themselves. 2. That this needs not, nor ought not to hinder them to give their judgement of their way in order to the Publick Resolutions, if so be it be done without personal reflections, so far as is possible. 3. That (as the Author hath distinguished before) there is a difference between mens intention

tention and their work; men may be treading the steps of defection, as these unfaithfull men the Prelats did, who yet do it not with an unfaithful and prelatical mind, even as in these same very times of the course of defection that was carried on by the Prelats, there was sundry able and godly men ingaged therein, without whose help it could not have been so easily, nor unob- servedly to many, carryed on by the multitude of carnall and corrupt men, who would have been but a small ctedite without these other. 4. That if the Protesters had had to do with these onely whose faithfulness, integrity, honesty and constancy in the truth have been so wel known and sealed by God, they had haply exprest themselves some other way; but they had to do in this particular with all those who owned the publick Resolutions, and amongst these were many; yea, not a few active leading men, members of, or assisting unto the Commission in these things, and in the Meeting at Dundee, who were deeply engaged in the Prelaticall way, as not onely their subscriptions in the Bishops black Book, which is yet extant, and can be produced if need were, but also the renour of their carriage for a long time did witnes; and I fear it of not a few, that though they seemed to forsake these things with the changes of the time, yet have they not repented thereof unto this day; not that I would fetch all those whose names are in that black Book, and others the like books, and who were involved in these courses under that compasse; I know that sundry of them have from their very hearts repented of, and do from their souls abhor that way, I mean even of these who are for the Publick Resolutions, but this Church hath been so sensible that there is cause to think otherwise, that she hath several times given warning thereof in her publick Papers; and who knoweth not that throughout all the Land, these who had been most indifferent, and luke-warm in the Cause of God, greatest underminers of it, most Prelaticall in the times of the Bishops, most Malignant in *James Grahams* time, and in the time of the unlawfull Engagement, and most designing and active to carry on the Treaty with the King, in a wrong way, and without security to Religion; yea, and such as were scandalous in their life and conversation were for the most part amongst the most zealous

zealous and violent for the Publick Resolutions, and are so still, now the course it self being evil, and envolving a foundation of defection, owned and countenanced, and zealously promoted, by all the lukewarm Prelaticall, and Malignant scandalous men in the Land; was there not doolish experience of such backsliding in the time of the Prelates, to be stirred up in our selves; and to Protest and testifie to others against things, though sundry godly men were engaged therein; nay, the more need there was to speak plainly, least their ability and godlinesse should be a snare to any. 5. Whatever the Author is pleased to alledge, the Protesters do not despise any of those who have been honoured of God, to stand constant against Prelats usurpations, and for the Liberties of Assemblies, they acknowledge that they owe much to such, and though they cannot but testifie against the ill of the Publick Resolutions, yet they do retain a honourable Impression of these persons, and of what is good in them. 6. If it were fit to compare, sundry of the Protesters are in nothing; yea, in none of these things which the Author mentioued as praise worthy, behinde with the very chief of these who have appeared for the Publick Resolutions, but both of them are by the grace of God, that that they are. 7. That none of the Protesters for any thing that I know, did take unwarrantable orders from the Prelats, and do more to accept one who hath sinned in private, and in Publick acknowledged, and is still ready to acknowledge the sin of that way in which he was bred up from his youth, and therefore did it ignorantly through unbelief, who because of the exceeding riches of the mercy of God, in recovering him out of that snare holds himself the more bound to be vigilant and zealous against all defections for the time to come; this man hath forbidden me to say any more to the Author; in answer to these things; but these words, *dignus ego qui patior indignus tu qui faceres tamen*, and to leave the explication to his own conscience. 8. It had been fairer dealing in the Author, to have discovered or named the Prelaticall steps that some of the Protesters have troden these years past, and not thus to have asserted without any proof or instance, which he thinks a fault in matters of lesse moment: The steps that these men have troden

den these years past in their Publick Actings (for of these I take the Author to mean) were for the matter the same that were troden by himself, and by sundry leading men in the Publick Resolutions, who were also leading men in all these steps from the highest to the lowest; and I do not think (though not a few be) he is come that length to condemn these things and for the manner of their Actings, they acknowledge themselves to be men subject to the like passions with others, but knowes no cause why these the treading of Prelaticall steps should be charged rather upon them then upon others, some in the following of their duty are more remiss, and others more forward, but as long as they do straitly and honestly own their duty, it is hard either because of the one or of the other, to charge them with so heavy imputations.

VINDICATION.

WE shall now Weigh these reasons whereupon the Protestation is built, and which have been added lately, as batterages to hold it up; surely the grounds whereupon men would adventure on such an Act, or others would joyn in approving of it, had need to be weighty in themselves and relevant, and also clear in mens Consciences: To Protest, against, or dissent from some particular acts and constitutions of a Gen. Assembly, is a thing which may be done without schisme, and derogation to the Authority and being of Government; but when a Gen. Assembly is self is protested against, and declined as unlawfull, and having no authority at all; Who sees not how sad the consequences must readily be in that Kirk, hardly can it be by any outward means, but turne to a fixed schisme, which thing how have godly, orthodox christian, in all ages of the Kirk, detested and abhorred, choosing rather ever to tolerate great offences (which they did see, but could not mend) rather then to divide the Kirk of Christ, and then it would be seriously considered, if the reasons and grounds of such an Act be not clear and relevant, how high an attempt it is against the Kingly Office of Christ, so in example under foot his Supreme externall Court, in a Nationall Kirk. Come me then and ponder the Reasons alledged for this

this Protestation, and declinature whether they be found weighty or light, vincat veritas.

R E V I E W.

I Shall not stand to discusse the relevancy of all that is asserted in this generall discourse, but returns this answer thereunto: It seems the Author doth not deny that it is lawful, and in some cases necessary, to Protest against, and decline some Gen. Assemblies, and that it would be so in our Hypothesis if the grounds were clear and relevant, whatsoever will plead for a Protestation against particular Acts that are wrong the same & greater reason, will plead for a Protestation against a wrong constitution, because the error of a wrong constitution is of greater consequence, as importing more prejudice to the work and People of God, and being a higher attempt against the Kingly Office of Jesus Christ, then many wrong acts are, and therefore there is the greater reason to prevent the same in *jure*, where it cannot be done in *facto*, even as men by suchlike Protestations preserve their Rights *jure*, when by the spate of a declining Judiciary they are like to be oppressed *de facto*, and therefore have Orthodox Christians in all ages born Testimony, and Protested against corrupt councils as well as corrupt acts; we shal not go far back to seek instances: It is known what the Protestant Church did against the Council of *Trent*, and how often faithfull men in the Church since the Reformatinn from Popery have born Testimony and protested against unlawfull Assemblies, as well as against unwarrantable acts, neither doth it cause schisme in the Church, or derogate any thing from the Authority and being of Government, to Protest against usurpers, corrupters, or perversers of it, in a false court, but it is the lawfull, and hath been the usuall mean in this Church, blessed unto her of the Lord, to prevent and remead schisme, and to preserve the Authority, and being of Government, with the purity and Liberty of all the Ordinances, and whatsoever sad consequences can be imagined to follow upon it, do lay at the doors of these who by declining from their Principles, carries on, and cleaves to a corrupt constitution of an Assembly, and not on these who adhering

ring to sound Principles, do from the conscience of their duty bear Testimony against the same. It hath been often and truly said, that the tide wall which fals, and not the gevill which stands is to blame for the rent and ruine of the Houſe; I do willingly acknowledge that it is an high attempt against the Kingly Office of Jesus Christ, to trample under foot his Supream externall Court in a Nationall Church, but as the Protesters are guilty of this high attempt, if they have Protested against the Meeting at St. Andrews and Dundee without a cause, and upon grounds that are not relevant; so if the Authors and abettors of the Publick Resolutions have corrupted this Court in the free and lawfull constitution thereof, and have taken upon themselves to be an Assembly whilst they were none, then will they, and not the other be found guilty of this high attempt: Let us therefore come to the discussing and clearing of the reasons that the Protesters plead for themselves.

V I N D I C A T I O N.

THeir first reason for unfreenesse, and unlawfulness of the Assembly, that the Election of Commissioners to the same was prelimited and prejudged in the due liberty thereof, by an Act & Letter of their Commission of the last Assembly sent to Presbyteries, appointing such Brethren as after Conference remained unsatisfied with, and continued to oppose Publick Resolutions to be cited to the Gen. Assembly. Thus it is briefly proponed in the Protestation. In the late larger paper emitted and spread abroad since, wherein as may be conceived, are mustered all the Forces that could be gathered together against that Assembly, and many heads have been employed in that one, every man that readeth it discerneth whose Pen hath given the forme and frame to it; and any discerning man also may perceive in it something of School, and something of Law and registers which the former behoved to have from those quarriers. It is put in a Sylogistick form thus: That it is no free Generall Assembly, the Election of whose Commissioners is so prejudged and pre-limited in the due freedom and liberty thereof, that many Ministers of Presbyteries in a capacity to be chosen, for their ability and faithfulness are by

the Presbyteries at the order of the Supreme Judicatory past by and set aside in the Election, and rendered incapable to be members thereof; But the late Meeting is such: Therefore, &c. We will not follow our foot for foot the tract of many objections which the contrivers of this Paper have either found some way made by others, or have formed themselves at their own pleasure against this and other following reasons, and their replies thereunto. But shall propound such reasons as we conceive discovers the nullity of these and other reasons, not omitting the consideration of any thing contained in this Paper which shall seem to meet with what we shall bring as occasion shall be offered without tying our selves to the order of this Paper: For answer then to this first ground.

1. As it lyeth in the Protestation, it could have no force to prove any illegality or nullity of the Assembly at the time of the Protestation; suppose that the Commissioners Ait & Letter sent to Presbyteries had indeed contained under Prelimination, because this fault of the Commission could not be imputed to the Assembly to nullify it, while as yet it was to the knowledge of the Assembly, but an alledgance not proven, that such under pre-limination had been used in the election of Commissioners, and that they had not as yet determined nor approved the deed of the Commission, nor deed of Presbyteries done thereupon in elections; at the giving in of this Protestation the Assembly had not as yet considered the Commissioners Proceedings, neither indeed was it in their power to cognosce upon exceptions against the Commission, without change of the Order of proceeding that had been used constantly in all bygone time, and upon a great debate with the Parliament it self in the Assembly 1648. had been established by a formall act, as the Protesters themselves well understood and acknowledged, and therefore it was, that upon this they offered to the Assembly, before the choosing of a Moderator, a Paper pressing the changing, and reform the order of proceeding in the Generall Assembly, which before had alwayes been in use, as if some of themselves had not been the main maintainers and procurers of the establishment of that order before, when it made for them. And as the Assembly as yet but in heap of the matter, and not constitute into a Judicatory, could have taken into consideration, and have altered the practice and constitution of for-

mer Assemblies. The Assembly therefore did offer to call in this exception, and to give unto it all due considerations as soon as possibly they could win at it.

R E V I E W.

WHat needs all this wast of words, concerning the gathering and mustering of forces, and the employing of many heads, and the pen that gave the forme, and something of School, and something of Law, and Registers, which the former behoved to have from these Quares? The truth is, that if it were a purpose to tell it, there were very few heads employed in that businesse; haply as few as about the Vindication, and there was little gathering of forces for it, the difficulty of correspondence and shortnesse of time wherein it was penned admitting of very little communication of thoughts; and the Author is mistaken when he speaks of two Quares, one of School, another of Registers and of Law, out of which the former behoved to have his materials, and haply also concerning the pen that gave it the frame, as some others have been before him; but what though all these things were true which he alleadgeth: Is it any fault in weak Souldiers to call in their fellows to their help, and to strengthen one another in maintaining of their ground against many and strong Adversaries; or doth he hunt after commendation and applause, by setting forth the preparations, and multitude and strength of his opposites, whom yet he by himself alone supposeth to have defeat? It was free for the Author in answering the reasons contained in the Protestation; and the other Paper relating to it, to choose such a method as seemed best to him, though it would have seemed to be more easie for his readers, if he had followed foot for foot what is contained in these Papers; I do more wonder that he hath left many things of importance unanswered, not so much as once touching them. But let us come to the answers which he gives, which I shall take as they ly in the Vindication, upon supposal that the Letter and act sent by the Commission to Presbyteries, did contain an under-prelimitation; the first ground as it lyeth in the Protestation, hath force to prove the illegality, or nullity in the Assembly, notwithstanding of any thing the Author saith to the contrary: First, he seems to lay this ground, that

nothing can be of force to prove the illegality, or nullity of the Assembly, but that which can be imputed to the Assembly it self; but I fear that this ground which is here hinted at by him, and much made use of by some others in this particular, shall fail all who lean thereupon: I suppose that by a Letter and Act of the Commission, and a deed of the Presbyteries done thereupon, elections had been so pre-limited, that all Ruling Elders had been excluded, and Ministers onely chosen, or the one half of the Ministers excluded, without a just cause from having voice in the elections, or from being chosen Commissioners; would not these pre-limitations have force to prove a null Assembly, the same being proponed and rejected as not relevant exceptions, when the Commissioners did meet to constitute themselves into an Assembly; it seems by the Authors ground they could not, because they are but alledgeances not yet proven, and they have not determined therein, no approven thereof, because it is not in their power to cognosce upon exceptions against the Commission, without change of the order of Proceedings to the Act which had been constantly used in all time bygone; there may be many things done in Commissions & Presbyteries in prelimiting and perverting the elections, that cannot be imputed; yea, which the Assembly may condemn, that may make an illegall and null Assembly; and therefore upon supposall that the Letter and Act sent to Presbyteries did contain an under-pre-limitation, it might have force at the time of the Protestation to prove a null Assembly, though it could not be imputed to the Assembly it self: But how doth he prove that it could not be imputed to the Assembly? first, it was (saith he) to the knowledge of the Assembly, but an alledgeance not proven; it seems the Author doth not question the relevancie of it in *Jure*, if the truth of the fact had been proven, but it being relevant in *Jure* (as upon his supposall it needs must) and offered to be proven in *facto*; yea, the matter of fact, as to the presumption of it, being manifest to the consciences of many of the Assembly, ought they not before constituting themselves in an Assembly, either to have tryed and discussed the same, or else to have laid aside the persons against whom it was propounded, from sitting as Members in the Assembly, untill it might have been gotten tryed and discussed; but they did neither

her of these, and was not this to be imputed to the Assembly? Next, he sayeth, that the Assembly had not yet determined in, nor approved the deed of the Commission, nor the deed of Presbyteries done thereupon in Elections, at the giving in of the Protestation: But in this he is much mistaken, because the Assembly by admitting the Commissioners from Presbyteries so elected, did as really approve these limited Elections, and so the deed of the Commission and Presbyteries done thereupon, as ever any preceeding Assem. used to approve the most free Elections; to wit, onely by admitting the Commissioners; yea, the Assem. rejecting of the exceptions, and allowing the Commissioners against whom it was propounded, to sit notwithstanding the propounding thereof, was a real approving of the Commission, and of what the Presbyteries did thereupon, as we shal afterwards Godwilling clearly shew. Thirdly, he sayeth, that the Assembly had not yet considered the proceedings of the Commission; neither was it in their power to cognosce upon exceptions against the Commission, without change of the order of proceedings, which had been used constantly in all time by gone; This is a pretty fancie to defend an ill cause: the Church of *Scotland* have found it necessary in the intervall betwixt Generall Assemblies, to have her Commission, whose trust should be to preserve the Liberties of the Church and to take care of some things of more General concernment committed unto them, and that in all these things they should keep themselves within the bounds of their Commission, and proceeding according to the standing Acts of former Generall Assemblies, and that in the next ensuing Assembly they shall give an accompt of their proceedings during the whole time of their Commission in the beginning of the Assembly, before any other Cause or matter be handled, and their proceedings to be allowed or dis-allowed, as the Assembly shall think expedient. Now, saith the Author, this matter of pre-limitation being an exception against the Commission, could not be taken in consideration, without the change of this order. I shall not say, that it might have been done without any shadow of change of order; But I desire to be considered, that it never was the intention, nor did it ever come in-
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to the mind of any free lawfull Generall Assembly of the Church of Scotland, to give power to their Commissioners to give Lawes concerning the constituting of an Assembly; these are clearly set down in the Policy and Acts of the Church, according to which, the Commission ought to walk in all things committed to their trust, not meddling with any thing not committed unto them, much less meddling with it in a way contrary to that Policy & these Acts: and therefore did they appoint the proceedings of these Commissioners to be tryed, and allowed or dis-allowed in the next Assembly, before the doing of any thing else. Now a Commission contrary to their trust, doth meddle with the Constitution of an Assembly, and by their Letter and Act, and the deed of Presbyteries thereupon, the elections are prelimited (as the Author is content to suppose) and when the Assembly meets, and this is proponed as an exception to be taken in consideration against such Members of the Asses was Members of that Commission, he tells us, it cannot be considered without change of order, being an exception against the Commissioners proceedings. What a sad case the Church is brought to by this means, that is, to suffer the constitution of her Assemblies to be corrupted by her own Commission, and that without remedy; or why it must, as to the Constitution of the Asses, be taken in consideration before the admitting of these Commissioners to sit as Members, or else not at all, because if it the Commissioners be once received, the Members admitted, and the Asses constituted *hoc ipso*, that these things are done, that prelimitation is approven; or why the Asses hath already constituted & found themselves a lawful Asses with these Commissioners *inclusive*, notwithstanding of that exception. That the matter may be yet further cleared, it would be considered, that against the continuation of Judicatories in their Members, there may be exceptions of severall sorts, some that are more personall or particular, relating to one or two, or some few upon personall scandals and miscarriages; Some more common and universall, that concerns all or many; a Judicatory may proceed to constitute it self, and act as a Judicatory before dissenting exceptions of the first sort; having laid aside the Members against whom these exceptions are propounded, till conveniently

ently they may be gotten tryed and discusſed, becauſe there is no exception but againſt a few, and upon particular and perſonall ſcandals; the far greater part being Members uncontrollable and rightly qualified, but they cannot proceed to conſtitute themſelves and act as a Judicatory before diſcuſſing of exceptions of the ſecond ſort, unleſſe we would ſuppoſe, that after conſtituting themſelves into a Judicatory, or finding themſelves to be a Judicatory, they might again find themſelves to be no Judicatory. Exceptions of a more common and univerſal influence againſt *cauſa cauſa*, of the Conſtitution of an Aſſembly, ſo wir, againſt Elections, which is the ground of the Commiſſions; as the Commiſſions are of the conſtitution of the Aſſembly, ought to be conſidered before conſtitution be declared; for unfree Elections make null Commiſſions, and all, or a great many null Commiſſions, make a null Aſſembly. From theſe things, I truſt it is manifeſt, that the exceptions againſt the freedom of Election, becauſe of the Act and Letters of the Commiſſion, and the deed of the Presbyteries following thereupon, ought to have been taken in conſideration before the Meeting did conſtitute themſelves in an Aſſembly, and that the Commiſſioners whom that exception did concern, ought not to have been admitted to ſit as Members, before the trying and diſcuſſing thereof: as to that of the change of the order of proceeding, which had been uſed conſtantly, upon which the Author ſeems to lay ſo much weight, beſides what is answered already, I ſay, there needed no change in that Order, in diſcuſſing of any thing that was intruſted to the Commiſſion; for this was not within the compaſſe of their power and truſt, but diametrically oppoſite to the ſame; and therefore the Commiſſion having ſo far exceeded their bounds, as to meddle with Conſtitutions of the Aſſembly, by prelimiting of the Elections; this did unavoidably neceſſitate the cognition and conſideration of that part of the Commiſſions proceeding, ſo far as it did relate to the Conſtitution of the Aſſembly, though not formally, as it did concern their carriage. I know not to what purpoſe the Author alledges, that that order was on a debate with the Parliament it ſelf in the year 1648. eſtabliſhed by a former Act, as the Proceſſers themſelves well underſtood; would he by this inſinuate, that

that there was a debate betwixt the Parliament and the Assembly, concerning the Commissions pre-limiting of Elections, and that the Parl. desired this to be considered of before the Assemblies constituting themselves into a Judicatory, and that the Assembly did refuse it, and afterwards established the Act which he speaks of? Or that the Parliament did desire the Commissioners of the former Assembly should be removed from sitting as Members in the Assembly 1648. untill the Exceptions propounded against them, by them should be taken in consideration and discussed? If he mean any of these, he is much mistaken, because there was no such debate betwixt the Parliament and the Assembly, nor betwixt the Assembly and any persons whatsoever in the year 1648. as we shall afterwards convincingly clear: And he is lesse mistaken when he sayeth, that it was acknowledged by the Protesters, and that upon this they offered to the Assembly at *St. Andrews*, before the choosing of a Moderator, a Paper pressing the changing and reforming the order of proceeding in the Generall Assembly, which before had alwayes been in use. The Protesters might haply acknowledge an Act of the Assembly concerning the trying, and allowing and dis-allowing the proceedings of the Commission before the handling of any other Cause or matter. If there was any question about that Act, it could not but be readily acknowledged by the Protesters, having been so lately revived in the Assen. 1648. but that there was any such acknowledgment as the Author insinuates, is alleadged without all ground; as also that which he sayeth of their offering a Paper for changing of their former order; They did never offer any such Paper, nor did they ever pen or draw up any such Paper; and the Author doth wrong them not a little, and himself more, when he doth affirm it: They did indeed offer a Paper to the Assembly, before the choosing of the Moderator, but there was not one title therein concerning the changing and Reforming of the order of proceeding formerly used by the Assembly; but upon knowledge and conscience of the main weight that lay against that Meeting, why they could not be a lawfull, free Generall Assembly; the Protesters did offer a Paper unto them for choosing of the Moderator, contain-

taining a humble desire, and some reasons to perswade them to adjourn their Meeting, and to forbear to constitute themselves in an Assembly; the Paper is yet extant under the hands of all the Protesters, and may be seen by any who please. If the Meeting at that time had been pleased to read and hearken to the desire of that Paper, many things that have followed since, might have been prevented; but many, whether from a fear of missing a ratification of the Publick Resolutions, or upon any other ground, themselves best know, did shew themselves so zealous against the very offer of it, that the Meeting would not so much as read or hear it; and therefore whilst the Author thought to have reached a great blow to the Protesters, in fastening upon them the pressing of the changing & reforming the order which themselves not long ago (as he alleadg's) had been the main maintainers and procurers of, to get it established before, when it made for them, he hath quite missed them, and wounded himself by alleading things that are not true.

VINDICATION.

BUT come we to the Argument as it lieth in its full form and strength in the later Paper. Passing the first Proposition thereof, let us come to the tryall of the second, or the Assumption. That the election of Commissioners to the Assembly was prejudged and prelimited in the due freedom thereof: That this alleadgance might be verified, it was necessary to have made clearly out; First, That the Commissioners Act and Letter exclude and discharge many Ministers to be chosen. Secondly, That the Presbytery in the Election, were possibly prelimited by the Letter of the Commission, i.e. admitted the prelimitation of the Commissioners, and did not use their own freedom in electing, but meerly followed the direction of the Commission; let the Commission be never so guilty, and their brethren never so unduely prelimited, yet if the Presbyteries who are the only Electors used their own freedom, their election is free and valid, and nothing can be forced against the Assembly as unfree and unlegall in the constitution of it, because of any such Act or Letter of the Commissions, as solicitation active of Judges and

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Members

Members of any Judicatory, proves not a Judicatory corrupt, unless it can be evidenced, that they have excepted and yielded unto the solicitation. Now, doth this Paper prove either of these as it undertakes, and would bear the Reader in hand, When it sayeth, The second Proposition is proven, &c. Good and ingenious Reader, consider if it do so. And first for the latter of these particulars, What sayeth it? The second is proven by the Presbyteries proceeding according to the Letter and Act of the Commission sent unto them about the time of choosing the Commissioners, appointing that such, &c. Answer. Did the Writer of this Paper at the emitting of it, think, that it should ever come under the consideration of discerning and impartial judgements, that would try ere they trust; or rather hath he purposed that it should come to none but such as were pre-engaged, or pre-inclined to take any thing off his hand for good coyn, proof of good enough? For here as to that part of the Assumption on the which we are for the present, there is nothing but a naked petitio Principii, a naked affirming of the same which was alledged before in the first setting down of the Assumption; for what is it else that is said, Presbyteries proceeding according to the Letter and Act of the Commission about the time &c. but the same that was alledged there, that Presbyteries at the order and appointment of a Supreme Judicatory passed by, &c. and therefore whatever the Writer say after ward in the pretended proof of that Assumption, concerning things included in the Commissions Act and Letter, to shew that they intended prelimitation of the election of Commissioners, let all be never so true. It is but words he gives his Reader in the close of that Section, saying these things do clearly prove that there was such a prelimitation of Election as is formerly spoken of; For, let these things be never so clear spoken of the Commissions Act and Letter, yet for ought that he said as yet, it is not clear, that Presbyteries proceeded according to these, or were positively prelimited by them, that they did not use their own liberty in election, and so the second Proposition is not yet proved.

Seing he is pleased to passe the first Proposition of the Argument, as it lyeth in the second Paper. I shall also passe it, conceiving that he takes it for a truth, as indeed it is. To this Assumption he sayeth many things, which I shall take in order as they lye. Let it be yeilded to him, that for verification of the alleadgence contained therein, that these two things which he mentions are to be made out, *viz.* that the Letter and Act of the Commission did exclude and discharge many Ministers to be chosen, and that the Presbyteries did admit of that prelimitation, or were passively pre-limited by that Letter and Act, yet with these animadversions upon that which he speaks in the explication of his passive prelimitation: First, that he confines his passive pre-limitation within too narrow a bounds, and he will not have it extended to the Presbyteries, unless they did meerly follow the Election of the Commission in that matter, that is, as I take his meaning, go quite contrary to their own inclination and judgment, so as they were but meer patients in that business, (upon which account a wrangler might haply deny that there is any pre-limitation at all of Elections: for it men be suffered to make any election, or to patient in it, that if they had been left to themselves, they would have taken another course: But what if they had some inclinations that way, yet were not herein fully determined, but were hovering and suspending the ultimate determination of their judgment, untill they should hear the matter debated in their Presbyteries, or advise and confer with others of their Brethren abroad, and then the Letter and Act of the Commission comes unto them, and by the authority hereof, determines that judgment, and shuts out all that thereafter could be said by any to the contrary. Was there not a passive pre-limitation here, though such persons did not meerly follow the direction of the Commission, but also in some part their own inclination, which I thinke indeed was the case of many of the Presbyteries. Next, when he sayeth, that if the Presbyteries who are the onely Electors used their own freedom, their Election is free and va-

lide, If he meant as to any prelimitation from without, it is true; but if he meant simply, and in all cases wherein they use their own freedom, I deny that the Election is alwayes free and valide: If the Presbyteries had freely and by mutuall agreement amongst themselves, or two or three Presbyteries, or one Presbtery for the plurality of it, have agreed to exclude all these from voycing in the Elections, or from being elected, who were for, or those who were against the Publick Resolutions, would these Elections have been free and valid? May not Presbyteries themselves unwarrantably in-reinch upon the freedom of their own Elections, as well as it may be done by others from without. Thirdly, I desire that to be taken notice of, which he sayeth, for illustrating the businesse, that solicitation active of Judges and Members of any Judicatory, proves not a Judicatory corrupt, unless it can be evidenced that they have accepted and yeilded to the solicitation. Well then, if their acceptance and yeilding can be evidenced, it proves them corrupt by the Authors own grant. Whether the Paper proves either of these as it under-takes, we shall see anon. For verifying the last of these, the Paper sayeth, That it is proven by the Presbyteries proceeding, according to the Act and Letters of the Commission sent to them, about the time of choosing the Commissioners, appointing that each, &c. Over this probation, the Author makes a great deal of businesse upon the Writer. To all which, I say, that he was not so simple as to entertain himself with such thoughts and purposes as the Author speake of; he did wel enough know that what he said in this matter, would come under the consideration of discerning, and both impartial and partial judgments, and did expect contradiction either from the Author, or some other of his mind, and therefore these things need not; but it is no probation but *petitio principis*, saith he, a naked affirming of the same which was alleadged before, under favour it is not so; it is not the same thing to say that Presbyteries at the order and appointment of Judicatories passed by, &c. and to say that Presbyteries proceeded according the Letter and Act of the Commission; the second specifies what Supream Judicatory it was, not the absolutely or firstly Supream in this Church; to wit, the Assembly

sembly but the Supream, by delegation in things committed to them; to wit, the Commission, and it speaks also what order and appointment it was, condescending upon it in particular, that it was a Letter and Act for this purpose, so that the last brings clearer light and evidence in both these particulars then the first, and therefore it is not *petitis principiis*, or a naked affirming of the same thing, though it be not so full a proof of the whole matter, which the writer thought not so needfull all at once, because he was to speake of it afterwards in answer to the objections which were brought in of purpose, that the whole business might be cleared and confirmed; but let all be never so true which is said afterwards for proof of the assumption, the Author will have nothing to be said or given to the Reader here but words. If it be true which is said afterwards (as I hope it shall after tryall be found) it is no great matter though he be suffered to enjoy his opinion in this.

V I N D I C A T I O N.

I Affirm and make good that Presbyteries Were not positively pre-limited, but did choose freely: 1. A great part of the Presbyteries, I may say Without overreaching, four parts for five at that time had no opposite to the Publick Resolutions amongst them, and so Were not capable by pre-limitation to exclude Whom they had not. 2. Of these Presbyteries Who had any opposite to the Resolutions, the far most part did choose such, and no other for the Commissioners, some choosed such, and otherwise minded indifferently (as will appear by the Rolls of the Assembly, and the consideration of the mindes of Presbyteries at that time, and these very few who did pass them by, in their Election, we readily avow, they did it meerly of their own accord, following the freedom of their own minde, without all pre-limitation by any from without, the contrary is not proven, and we can instruct the affirmative of some who did pass by such, ere that Act or Letter came to them, or were made known to them.

R E V I E W.

L Et us examine these things upon which the Author is bold to affirm, and promises to make good, that Presbyteries
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were not passively pre-limited, but did choose freely: The first is, that a great part of the Presbyteries, four parts of five at that time had no opposite to the Publick Resolutions amongst them, and so were not capable by prelimitation to excludewhom they had not; what though it were true that as many Presbyteries as he speaks of had no opposit at that time to the Publick Resolutions, yet what if all, or some of these Presbyteries had in them some few or many, who were as yet indifferent, and not determined in the businesse; but were afterwards overwayed with the Authority of the Commissioners Letter and Act; was there not a pre-limitation upon them in their voicing in the election of Commissioners, because overwayed by the Letter and Act of the Commission to choose these who did approve of the Publick Resolutions, which before the influence that that Letter and Act had upon them, they were not determined in, but might haply have been determined in the contrary, upon supposal that many were indifferent at that time in the matter of the Publick Resolutions, as indeed not a few were, if we may judge by their carriage, because they had not declared their judgements for or against them; who knows but they might before the elections, have been determined against them? If by the Letter and Act of the Commission that gave evidence of processing such, they had not been pre-limited in their choice, and so there should have been some opposite to the Publick Resolutions in these Presbyteries, had it not been for that pre-limitation. 2. I think he will not deny, but some Presbyteries had in them opposites to Publick Resolutions; Let us take (as it would seem he would grant it) a fifth part, there might be a prelimitation upon these, and to prelimit the elections in every fifth Presbytery of the Church of Scotland, is certainly a great blow to the freedom of the Assembly. But 3. I affirm and make good, that it is not true that four parts of five of the Presbyteries at that time had in them no opposite to Publick Resolutions; yes, on the contrary, that the one half of the Presbyteries in Scotland and above, had in them at that time some opposites to Publick Resolutions. When I did read the confident Preface of the Author to this assertion of his, in which he saith he doth not overreach; and the assertion it self, I did suspect, lest I
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had mistaken the meaning, and therefore read again and again, but the words being plain, I did apprehend, that they might be wrong transcribed, and therefore I sought for another Copy, in which I found it also to be written, that it may appear to him and others, how grosse an overreaching there is in that assertion. I desire that it may be considered, that there be in *Scotland* of standing Presbyteries 65. or thereabouts, four parts of which makes 52. none of which 52. by his assertion, had at that time any opposite to the Publick Resolutions, and 13. onely do remain, who can be supposed to have had any such in them, but there were at that time nigh 40. Presbyteries, who to my knowledge had in them some opposites to the Publick Resolutions, and moe, I doubt not to the knowledge of some other men, at least some other Presbyteries which are not here named; the truth whereof will appear by the following Table, in which are set down both the names of these Presbyteries, and names of some one or other in them, who were at that time opposites to the butlick Resolutions.

Stranrauer, *Mr. Alex. Turnbull.*

Kilcudbr. *Mr. Samuel Row.*

Wigtoun, *Mr. Robert Richison.*

Air, *Mr. Thomas Wylie.*

Irwine, *Mr. Math. McWet.*

Dumbart. *Mr. Hen. Semple.*

Pasley, *Mr. Alex. Dunlop.*

Glasgow, *Mr. Patr. Gillespie.*

Hamwilton, *Mr. Ja. Nesmith.*

Lenrick, *Mr. Wil. Simervail.*

Dumfries, *Mr. Henr. Henderson.*

Penpont, *Mr. Sam. Austine.*

Loch-maben, *Mr. Thomas Henderson.*

Midebey, *Mr. David Lang.*

Jedburgh, *Mr. Jo. Livingston.*

Turresfe, *Mr. Arthur Mitchel.*

Gerioch, *Mr. George Tellifer.*

Kelfo, *Mr. John Simervail.*

Ailsitoun, *Mr. John Veatch.*

Jernsyde, *Mr. Thomas Ramsay.*

Edinburgh, *Mr. Robert Trail.*

Lithgow, *Mr. Ephraim Melvill.*

Bigger, *Mr. Alex. Livingston.*

Dalkeith, *Mr. John Sinclair.*

Sterline, *Mr. James Guthrie.*

Auchterador, *Mr. Geo. Murray.*

Perth, *Mr. Alex. Rollock.*

Dunkeil, *Mr. John Hart.*

Dumfriene, *Mr. Wil. Oliphant.*

Kirkaldie, *Mr. Alex. Mount-crief.*

Couper, *Mr. John Maggill.*

St. Andrews, *Mr. Sa. Rusherford.*

Forfarre, *Mr. David Lindsay. &c.*

Arbroth, *Mr. Alex. Reynolds.*

Aberdeen

Aberdeen, Mr. *Andr. Cant.*
 Kincardine, Mr. *Alex. Cant.*
 Dear, Mr. *Robert Keith.*

Elegine, Mr. *Joseph Brodie.*
 Inverary, Mr. *Alex. Gordon.*
 Dundee, Mr. *Andr. Oliphant.*

Here be some of these Presbyteries, the whole members whereof were at that time opposite to the Publick Resolutions, and others of them, the plurality whereof were opposite to these Resolutions, and others of them, who had in them sundry opposites, both Ministers and Ruling Elders; but we have named one Minister onely in every Presbytery, because this was enough to make such an assertion ashamed, and to hide it self that it might never again be heard abroad. It may be the Author will question whether all these were opposite at that time to the Publick Resolutions: But I believe the truth of this, concerning as many of them as will make him after supputation see that he did far over-reach, when he said that four parts of five had at that time no opposite to the Publick Resolutions, is sufficiently known to himself by their testimony sent to the Commission, or their Letters written to particular members thereof, or occasionall Conference with themselves or their Sermons, or constant and uncontrolled report of their judgement and carriage: Let it be true but of 20. of them, it doth abundantly confute his assertion; but if he or any other doubt of what is said, it shall be no difficill matter to get it attested under their own hands, and the hands of others, that they were at that time not only dissatisfied in their judgements with the Publick Resolutions, but also did bear testimony against them. The Copie which I have in this place wants some words, and hath something wrong written, of which I cannot well make sense, but these words which I have cited are plainly set down in it. The 2. thing that he brings that Presbyteries were not positively pre-limited, is, that of these Presbyteries who had opposites to the Publick Resolutions, the far most part did choose such, and that few did passe by them in the elections, But this overshuts as far as the other, as will appear by viewing the number of Presbyteries, in which there were some opposites to the Publick Resolutions; and considering how many of these were, in which there were any chosen who were against these Resolutions, which I believe shall not be found above 20.

or very little more, if they come to that number; but let us suppose them to be more, they are not the far most part of the Presbyteries who had in them opposites to the Publick Resolutions, and these who remain will not be few of that number. The Author doth readily avow, that where Presbyteries did pass by such they did it meerly of their own accord, following the freedome of their own minde, without all pre-limitation from without; if he had so readily avowed it, he should have brought good proof of it, that men might have been perswaded that he did avowe a truth; his proof is, that the contrary is not proven: Though it were so, that it is not good proof of what he avows. Next he saith, that he can instruct the affirmative of some who did passe by such ere that Act and Letter came unto them, but how many they are he tells us not, lest the paucity of them being known, should make little to the purpose, very few elections in *Scotland* were past, before that Letter and Act came unto them, it being issued before the ordinary time of election, and great diligence and care being used in the dispatch thereof, so that came to the hands of the most remote Presbyteries, who lay under the feet of the Enemy, such as these of *Merse, Tivendale, Dumfriess and Galloway* before their elections, that in some few places the elections was made before it came, is far from proving what he doth readily avow, as the coming of an swallow is far from proving the spring in some places, some were acquainted that there was such a purpose and design, before it was judicially concluded or emitted; and therefore some Ministers of the Presbytery of *Glasgow*, before the issuing of that Resolution, did oppose the election of Commissioners at one diet, and presse a delay till another diet, upon this reason among others, that there were some directions to come from the Commission of the Generall Assembly, concerning their Proceedings in the election of their Commissioners, & that it was fit that they should not proceed till they got these directions, which though it was not put among the written reasons of their Protestation, yet can be testified by many living witnesses who were present. God-willing before this debate close, it shall be made to appear, that notwithstanding of all these evasions, the Letter and Act of the

Commission did in many places pre-limite the Elections, by excluding those who were for ability and faithfulness in a capacity to be chosen, and if it was (as the Author saith) that a great part of the Presbyteries, four parts of five had at that time no opposite to the Publick Resolutions, and that this was known to the Commission; to me it is a wonder, and I believe will be so also to others, that the Commission should have been so imprudent, as to give so great an advantage against themselves, and so much matter of gainsaying to the opposites of Publick Resolutions, and have laid so great a stumbling in the way of many who had already stumbled at their Proceedings, which were now to fall under the examination and judgement of the Generall Assembly.

VINDICATION.

Against the second somewhat may seem to be said in the Writers reply to the third objection beforeme, against this objection of the Assemblies nullity; Where, in the objection among other particulars alleadged; it is said in the third, that the Letter and Act had little or no influence in Presbyteries in the choise of Commissioners, to which is replied by the Writer, that is spoken against the truth, for proof whereof he gives instances. 1. All the Ministers who oppose the Publick Resolutions are known to be faithfull and honest, most of them such as had wont these years past, because of their integrity and ability to be chosen Commissioners, but few of them were chosen this year to the Assembly, and if any such were chosen it was where the whole Presbytery was unanimous against the Resolutions, or if the Presbytery was divided in their judgements, then were there for the most part either two elections, or dissents, or Protestations against the election of such as were unsatisfied with the Publick Resolutions or else both; as in the elections at Sterline and Glasgow, of all which no reason can be given, except the Act and Letter of the Commission. To the matter of this instance, we say these things: 1. It is too wide a word, All the Ministers who oppose the Publick Resolutions are known to be, &c. And however, many of them will not be questioned to be such; yet we must say some, even of these were not so faithfull as they should have been this last year bypast, in
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the particular of defence of Countrey and Covenant in all the sworn Articles thereof; This the Nation feels to day, and the posterity when this generation is dead and rotten, will give impartial judgement of it. 2. Be it so, that some were wont to be chosen Commissioners were not now chosen, yet this is for little purpose to the point, that the election was carried by influence of the Commissions Letter, that these same men have wont to be often chosen without intermission to be Commissioners, the whole Kirk was growing sensible of this thing as dangerous, whereby the whole power of Publick Government was nigh by become seised in the persons of some particular men, and these but a few as constant Commissioners of the Kirk. If ever the Lord shall be pleased to grant again to this Kirk the Liberty of a generall Assembly, it were necessary that Presbyteries be prelimited indeed, that they make not such an use and wont. 3. That few opposites were chosen; it is no wonder because they were but few in comparison of the rest of the Ministry of Scotland. 4. Even where neither whole societies were unanimous against the Resolutions, nor yet the plurality were opposers, yet some unsatisfied were chosen Commissioners without a certain election, and without Protestation (dissenting in the enumeration is idly reckoned up) as is evident from the Commissioners, both of the Presbytery and university of Aberdeen. There was indeed a Protestation against the opposing Brother, but it was taken up and passed from and the election unanimously approved after wards in the Presbytery, so there is something against the truth clearly. 5. The Writer makes enumeration of elections of Presbyteries divided in judgement, some doubted, some dissented from, or Protested against, some both ways; but gives no particular instances of all these sorts but only of two, these of Glasgow, and Stirling; and I suspect he can give us no more or very few. But sixthly to the main drift of this instance expressed in the last words thereof, of all which no reason can be given, except the Act and Letter of the Commission: We answer, this is a very poor way of proving, that the Letter and Act of the Commission had much influence upon the election of Commissioners, against a man denying it, to say no other reason can be given

of those elected, and those not elected, and this or that done against the election of some opposers of the Publick Resolutions, in the Letter and Act of the Commission; What is this but to begge the question, and when you have affirmed a thing, and taken upon you to prove it, to do no more for the proof of it, but to say the Adversary cannot prove the negative, whereas affirmanti incumbit probatio, and yet we say another reason may be given of these things then what the writer alledgeth, see page 19.

REVIEW.

BEcause something seems to the Author to be said again what is now alledged in the Writer his Reply to the third Objection that he forms against his own Argument. The Author takes these things in consideration, and gives some Answers unto them, but let us see what they are. First, he thinks it too wide a word to say, That all the Ministers who did oppose the Publick Resolutions, are known to be faithfull and honest, and he gives an instance in the carriage of some of them that seems to weaken this testimony, his instance is, that some of these were not so faithfull as they should have been this last year past in the particular of the Defence of the Countrey and Covenant: but what is this but a branch of the thing that is in Controversie? These Ministers are perswaded in their Consciences before the Lord upon good reason, that it would have been in them great unfaithfulness to have allowed of that way of the Defence of the Countrey and Covenant holden forth in the Publick Resolutions, and that besides all their provocations which are great and many, they would by this also have been accessory to what the Nation smarte under this day, as the righteous reward of such revolting from God; and therefore if ye have no more to instance but this, it doth not prove, but that they may all of them be still called faithfull and honest men. Secondly he sayeth, Be it so that some were wont to be chosen Commissioners who were not now chosen, yet this is litle to the point, that Elections was carryed by influence of the Commissions Letter and Act. But granting that Presbyteries did upon

upon that Letter and Act, leave their wonted way these years past in their Election, it is to the point in hand, because it is *presumptio juris, & de jure*; that this change flowed from the influence that the Letter and Act had upon them, the Author seeing somewhat of this, intimates another cause that moved that change, to wit, that the whole Kirk was growing sensible of this thing, as dangerous, whereby the whole power of Publick Government, was near become settled in the persons of some particular men, and these but a few, as constant Commissioners, in which he thinks there will be need to pre-limite Presbyteries, that they make not an use of it. If the Lord shall be pleased again to grant the Liberty of an Assembly. But to say nothing, that this was the language which was wont to be spoken by disaffected men these years past, especially disaffected Ministers, who fell under the censures of the Church, whose pretences and alleadgences in this particular have strength added unto them by the Authors asserting the same thing: It is *non causa pro causa*, as will appear by these two things; First, there were a good many of these who were for the Publick Resolutions, who had wont to be Commissioners these years past, and who had a great, some of them a greater sway in Government than the other, and yet most, if not all of these were chosen also the last year. Now, if that was the cause which the Author speaks of, why did it not bring forth the like effect in regard of both, seeing both were alike lyable to that exception. Next, if the whole Church was so grown in the sense of that evil, why did they not provide the remedy at the last Assembly, it being in their power so to have done, and the Commissioners (as the Authors assertion will import) having such an impression of the same upon their spirits? If the Author will speak his Conscience, I think he will not deny, but if these men whom he saith to have been excluded upon that ground, have been for the Publick Resolutions, even these amongst them whom that ground might have been conceived to reach most, would have been chosen and admitted Commissioners as well as others. If the whole Church was growing sensible of this thing, surely the Meeting at St. Andrews did like regard or expresse it, when they choosed

one to be their Moderator, who not onely had been Moderator of the former Commission, whose proceedings were then in question, and to be examined, but also in many preceding Commissions and Assemblies, and who had been a chief Actor all that while in all the things that concern Publick Government, which I speak not to bear any particular blame upon him, not upon his carriage, but to let see that either the whole Church was not growing sensible of this, as the Author insinuates, or else that his sense of it in her Representative, was let out, or holden in upon men, according to their judgment and carriage in the Publick Resolutions; and so was not the cause of the Presbyteries, not choosing such as they were wont to choose. Thirdly, That few opposers were chosen; he thinks it is no wonder, because they are but few in comparison of the rest of the Ministry of the Land. How few soever they were in comparison of the rest of the Ministry in the Land, yet these of them who were formerly wont to be chosen Commissioners, were not few in respect of the rest of the Commissioners, neither yet were they so few as the Author reckons them, when he saith, that four parts of five of the Presbyteries, had in them at that time no opposers to the Publick Resolutions; nay, they were and are still a very considerable number; and whensoever an exact calculation shall be made by a particular list of the whole Ministry in the Land, and of these who were against the Publick Resolutions at the time of the Elections, and of the whole Commissioners of the Assembly at *S. Andrews* and *Dundee*, I believe it shall be found, that the number of Commissioners who were chosen from among these who were against the Publick Resolutions, was no way in proportion answerable to the number of the other: That some unsatisfied, were chosen without another Election, and without Protestation, even when neither whole Societies were unanimous, against the Resolutions, nor yet the plurality were opposers, he doth affirm it, but doth not prove it: for the instances which he gives of the Commissioners, both of the Presbytery and University of *Aberdeen* prove nothing lesse: For the University, the Letter sent to it came not to it, at least, were not read in it, and the plurality there were opposers of the Publick Resolutions: And for

for the Presbytery, by his own grant, there was a Protestation against the opposing Brother who was chosen, which was taken up again with much difficulty, and by earnest dealing of some of the Brethren, opposite to the Publick Resolutions, whose desire was condescended unto, with condition, that there should be a third Commissioner, it being in the mean while suggested in private, that he who had first appeared in the Protestation against the opposers, might be the man, which I relate not upon hear-say, but upon the subscribed testimony of these who were witnesses to the matter of fact. So I hope, that nothing against the truth hath been asserted by the Writer in this part of his Answer. The Author sayeth in a Parenthesis, that dissenting in the enumeration, is idly reckoned up. Why he should say so, I do not conjecture, unless that it be he thinks dissenting and protesting the same thing which they are not, as appears clearly from an Act of the Assembly 1644. concerning dissent and Protestations in Presbyteries. He seems unsatisfied with the Writer, that whilst he makes enumeration of elections of Presbyteries divided in judgment, some doubted, some dissented from, or protested against, some both ways, that he gives no particular instances of all these sorts, but only two, and he tells his Reader, that he suspects he can give no more, or very few. But he is suspicious without cause, more can be given and are given by the Writer. In that very Paper that the Author is replying to, and more then all these can yet be given if need be. And though they were but few, this is no great wonder, because there was but few Presbyteries did choose any opposite to the Publick Resolutions, or according to the Author, could choose any such, because they had none such amongst them. Whereas he sayeth, that it is a poor way of proving the Act and Letter of the Commission to have had much influence upon the Election of Commissioners, to say, that of all this, no other reason can be given, because it is no more; but when you have affirmed a thing, to say, that the Adversary cannot prove the negative, whereas *affirmarsi incumbit probatio*. If the way of proving be poor, yet it is candid and ingenious, by putting an advantage in the hand of gain-sayers, if they can give another reason, which the Author says

sayes may be given, and shall be considered in this place. But Jurists will tell him, that *illi non nobis incumbis probatio*, because we have *presumptionem juris*, & *de jure qua nos relevat ab onere probandi*, & *probationem devolvit in adversarium*.

VINDICATION.

AS for the elections mentioned here a Word of them, and then we passe on to the next instance; for that of Sterling it is known that the first Protestation there, was not against the election of opposers of the Resolutions, but against no opposers when at the Diet of the Presbytery appointed for election of Commissioners to the Assembly, the matter was put to voice, and Commissioners chosen by plurality of votes, some of the Brethren of that Presbytery, the fewer part in number dissented, and the election held a new Meeting by themselves without the present Moderator and Clerk, and made a new election of the opposers of the Resolutions to be Commissioners, was there not reason enough to Protest against that election (if it was Protested against) beside the Act and Letter of the Commission. As for that of Glasgow be it so, that the Letter and Act was a reason that moved some Brethren of that Presbytery to Protest against the first election, being opposers of the Resolutions, yet it was not the reason that moved them to Protest; they had sundry other weighty motives besides that as is known; yea, it was evident, that it had the least influence in that matter of any; for in the election that these same Brethren made after Ward, they choosed one of these same opposers to be a Commissioner, notwithstanding of the Act and Letter of the Commission; and I verily think, that there was none that at that time in Elections passed by any opposers or dissenters from the Election of any of them; but they would have passed by these same, and dissented from these same, though there had not at all such a Letter and Act come from the Commission, they conceived in it self a duty at that time, and they looked upon the Act and Letter but as a Warning, the more to make them mindfull of their duty.

REVIEW.

R E V I E W.

THe Author doth much mis-represent the instance of *Stirling* in severall important circumstances: First, he sayeth, that the Commissioners in the first Election were chosen by plurality of votes; There were that day but thirteen Members of the whole Minsters and Ruling Elders present in the Presbytery, and but six of these voted to the choice of these Commissioners, and six are not the plurality of thirteen. Secondly, in that he sayeth, That the fewer part in number, discontent at the Election, held a new Meeting by themselves, without the present Moderator and Clerk. There was no Election at all for which they could be discontented; neither were they the fewer part in number, neither did they meet by themselves without the present Moderator and Clerk, but the whole Presbytery met at the ordinary diet, with the present Moderator and Clerk, though a long time after the Meeting, the Clerk falling sick, and with-draw; and whilst the Moderator was present, it was found very clear in the minutes of the Presbytery, that there had been no Election at the former diet, and the Presbytery did by plurality of voices, the Moderator and all the friends of the Publick Resolutions of their number being present, conclude, that they should then proceed to the election of Commissioners, in which votes four only of the whole number did voice in the Negative; after which, the Moderator and these of his mind, removed upon a discontent; after whose going, the Presbytery did proceed to the election of Commissioners. These things as to the truth of them, needs not to be questioned, because they are agreeable to the Registers of the Presbytery, which are patent to any who desires to be informed thereof. As for that of *Glasgow*, the Author yeelds, that the Act was a reason that moved some Brethren in that Presbytery to protest against the first Election, but sayes, that it is not the only reason that moved them, they had sundry other weighty motives besides. If it was a reason, then certainly it had influence upon their judgments, against the chusing of such as were opposers of

the Publick Resolutions, and so here was a pre-limitation by the Act and Letter of the Commission. That they choos'd one of these opposers to be a Commissioner, notwithstanding of the Act and Letter: That doth not make it evident, that the Act and Letter had the least influence on them in excluding of others; there might be, and there was another reason of their so doing. As to that person that made them dispense with the Letter and Act of the Commission: He was precious and dear to the godly who knew him in all parts of the Land for his tenderneſſe and piety, and was but lately looſed from the bonds of his captivity, and if they had rejected him, it would have been a great imputation upon them, to ſay nothing that their deſigne had been more open and manifeſt: yet the Author cannot but remember, that notwithstanding he was choſen both by them, and alſo in the firſt election, yet was it reſuſed to let him ſit in the Aſſembly, till that reaſon ſhould be firſt diſcuſſed, though it was propounded and urged by a very Honourable Perſon, a Member of the Aſſembly; I cannot ſubſcribe to that which the Author thinks, that there was none at that time, who in Elections paſſed by any oppoſers, or diſſented from the Elections of any of them; but they would have paſſed by theſe ſame, and diſſented from theſe ſame, though there had not at all ſuch an Act and Letter come from the Commission. If there were no more to prove, that ſuch a thought is not well bottomed, but this one thing, that ſome in the Presbytery of *Dunkel*, diſſented from the election of theſe who were oppoſite to the Publick Resolutions, meerly and only upon the Letter and Act of the Commission, as may be ſeen in the reaſons of their diſſent given unto the Synod, it is enough to do it.

V I N D I C A T I O N.

THe firſt Inſtance to prove the great influence that the Letter and Act had upon elections, the Presbytery of *Dunkel* having choſen then Commissioner one of that number who was a Member of the Commission; having proteſted againſt the Election, becauſe ſuch as were choſen were unſatisfied with the

Commissions proceedings. The Synod of Pearth meeting a little after, and receiving the Act and Letter of the Commission, did thereupon sustain the dissent and Protestation of that man in their number, and did appoint the Presbytery of Dunkeld to choose the Commissioners new again. Ans. This is the only Instance alleadged with some colour to evidence some influence of the Commissions Letter and Act; but yet when it is discussed, there will be litle to the purpose found in it; but let it be so, that the Synod sustained the Protestation on that ground, and appointed a new Election: yet it is known that the Presbytery in the second Election, still did choose Brethren dissatisfied with the Resolutions, and as I believe these same Whom they had chosen before, who were admitted in the Assembly without any question, and reasoned and voted therein according to their minde, without any restraint or hindrance; so that if there was any fault here, it might be well in the Synods Act, but not in the Presbytery, which was the only Act about this businesse, capable of, & chargeable with the fault of pre-limitation but this was done with freedom. This much to the one part of the Assumption, whereby it may appear, that whatever prelimitations were, or might be in the Commissions Act or Letter: yet the Elections were free, because Presbyteries therein were not passively pre-limited, but choosed freely according to their own minde. Were there no more to be said, this much may make the Protesters betink themselves better in their second thoughts of their rash adventuring upon so high an Act as a Protestation and Declinature of a General Assembly, as unfree and unlawful, and may make others advise better ere they adjoyn themselves to it by approbation.

R E V I E W.

Albeit this Instance seem to the Author to be alleadged with some colour to evidence some influence of the Commissions Letter and Act; yet he thinks when it is discussed, there will be found litle to the purpose in it, and his reason is, because it is known that the Presbytery at the second Election still did choose Brethren dissatisfied with the Resolutions, and

as he believes these same whom they had chosen before, &c. But notwithstanding of all the Author says, there is very much to the purpose in it. First, there is this in it to the purpose, that the judgments and voices of some of the Members of the Presbytery, viz. of these who did dissent from the first election were pre-limited by the Letter and Act of the Commission, they giving these only for the reason of their dissent. Secondly, there is this in it to the purpose, that the judgment of the whole Synod, which doth include five Presbyteries (except a few who did dissent from, and Protest against the Synod, sustaining the dissent of these in *Dunkel* from the Election upon that ground) was by the same Letter and Act pre-limited to the declaring of that Election void and null, meerly upon this reason, that they had proceeded contrary to the Letter and Act of the Commission. Thirdly, there is this to the purpose in it, that the whole Presbyterie was so pre-limited by an Act of the Synod, founded on the other Act and Letter, as to be necessitate to passe from the first Election which was lawfully made, and against which no exception was made, but the Letter and Act; and to make a new Election, that they did again choose persons opposite to the Publick Resolutions, was from the overbearing Conscience of their duty. That they were admitted in the Assembly without any question, is not true; their admittance was questioned by a Member of the Commission, then a Member of the Assembly, a man zealous for the Publick Resolutions; and the Moderator perceiving that others opposite to the Publick Resolutions were like to take advantage by it, he did handsomely wave it. Now, these things being examined which the Author sayeth to the first part of the Assumption, I leave it to be judged whether he had cause to say, that whatever pre-limitations were in the Commissions Act and Letter, yet the Elections were free, because Presbyteries therein were not passively pre-limited but chosen freely according to their own minde; and whether he had cause to draw so strong insulting lines as he subjoyns thereto. If there be no more to say then he hath yet said, I profess ingenuously, I see no cause why the Protesters should bethink themselves better in their second thoughts of their adventuring on such a high Act, as to protest

rest against, and decline from that Meeting at St. Andrews, and Dundee as not being a lawfull free Generall Assembly, or why others should have advised better, ere they had joyned themselves to it by approbation; it seems a little beyond the bounds of modesty for men to drive and vent such conclusions upon their own reasonings, though haply they might bear them; It being fit to leave these things to the judicious and unbiassed Readers, to give judgement as they find cause.

VINDICATION.

IT is true that for proof of the unlawfulness of these pretended Assemblies, condemned by the Assembly at Glasgow 38. amongst other reasons the want of freedom in the matter of election of Commissioners is alledged as a main and principal one, but there the matter was not merely alledged, but clearly evidenced, that the Commissioners sent to these Meetings were not indeed elected by Presbyteries, but nominated by the Kings Letters, See Session 12. Reas. against the pretended Assembly, at Lithgow 1606. and at Glasgow 1610.

R E V I E W.

THe Author for taking off of this prejudice, and reason which stood in the way of the Assembly at Glasgow 38. who prove the unlawfulness of these pretended Assemblies by the want of freedom in the matter of election of Commissioners saith, that their matter was not merely alledged, but clearly evidenced that the Commissioners sent to these Meetings were not indeed elected by Presbyteries, but nominate by the Kings Letters, if he mean that they were not freely elected by Presbyteries proceeding merely *ex proprio iure*; It is true because the King and the Bishops Letters had influence upon them to pre-limite their elections, but if he mean that they were not all elected by Presbyteries, nor had any Commission from them, but came merely upon the Kings Letters, it is not true; because albeit the reason against the pretended Assembly at Lithgow 1606. seems to favour this, yet that against the

the pretended Assembly at Glasgow 1610. intimateth that they were chosen and had Commissions, because it saith First, that the elections were not free; an election then there was, but not a free election; if there had been no election, the Assembly 38. would, no question, have to expressed it, as importing a reason of nullity more clear and strong. Next, that the Bishop of *St. Andrews* required them to send such Commissioners as the King had nominate, assuring them that no other would be accepted; If the Presbyteries did send them as their Commissioners, then some sort of election there behoved to be, as indeed there was, both to that Assembly at *Lithgow* 1606. and that of *Glasgow* 1610. For clearing of which, it would be remembered, that there is an election materiall, when persons are instructed and authorized by us as our Commissioners, though we have not nominate and formally chosen them for that effect; and an election formal, when we do formally nominate and choole, an election materiall there was at *Lithgow*, because those who were nominate by the Kings Letter, were instructed and authorized by the Presbyteries as their Commissioners; and therefore in the 4. reason for nullifying of that Assembly, there is mention of the power which these Ministers had, and of the limitation thereof by their Presbyteries; but there was no formal nomination of these men by the Presbyteries, therefore it is said in the 2. reason, that they were not at all elected by their Presbyteries: but at *Glasgow* 1610. there was both a materiall and formal election, though not free but pre-limited, because the King and the Bishops had designed the persons whom they would have them to send; and let it be considered, whether upon the matter there be not the like and as really a pre-limitation, by the Act and Letter of the Commissions: In the year 1606. and 1610. the King and the Bishops nominate who shall come and design, whom the Presbtery shall send, without leaving them to choole such of their number as they thought fit, and in the year 1651. the Commission designs who of their number they shall not send, to wit, none that were opposite to the Publick Resolutions (for this much their Act wherein they require them to be cited to the Assembly doth import, as afterwards shall be cleared) not leaving

leaving Presbyteries to their own freedom, choose such of their number as they thought fit, and is not the one of these a pre-limitation, and hinders a free choice as well as the other? Doth not he pre-limite who saith that you shall not choose such men of your number, as well as he who saith you shall choose such men of your number; in the mean while it is to be observed, that the Assembly 38. hath no such distinction as that of active and passive solicitations, but infers the last Presumption *juris & de jure* from and upon the first, and not without good reason, because none doubt of the influence of commands of Superiors, when the desire is granted, and the direction is followed by the inferior, especially when the effect is contrary to the former custome and practise when they were free: Because the Author hath endeavoured to darken as much as he can the pre-limiting of the elections in Presbyteries, by the Letter and Act of the Commission, by his distinction of active and passive pre-limitation, therefore upon supposal that the Letter and Act of the Commission, did contain a pre-limitation of the elections, which shall be afterwards cleared; I reason thus: For proving that Presbyteries were passively pre-limited in their elections by that Letter and Act; who so in their elections accepts of, and yeelds obedience unto a Letter and Act containing a pre-limitation of their elections; are passively pre-limited in their elections: But the Presbyteries did accept of, and yeeld obedience to such a Letter and Act, *ergo*, &c. The first Proposition is a clear truth, and agreeable to the Authors own words when he is explaining passive pre-limitation, active solicitation of Judges and members of a Judicatory saith he, proves not a Judicatory corrupt, unless it can be evidenced, that they have accepted and yeelded unto the solicitation. The second Proposition to wit, That the Presbyteries did accept of, and yeeld obedience unto that Letter and Act, because it was not onely received and read in the most part of Presbyteries before their elections, without any testimony given against it, but also appointed to be put upon record in their books in testimony of their approving thereof, and as the ground and order of their proceedings in the things contained therein, and obedience was given thereto in most places, by forbearing to choose any such as appears by the Rolls of the Commissioners,

In some places reversing former elections, and appointing new ones to be made up on that ground, as appears in the elections of the Presbytery of *Dunkell*; in some places opposing the choosing of such as were opposite to the Publick Resolutions, and dissenting from, and Protesting against their being chosen, as in the Elections of *Glasgow*, in such places intimating to such as were choosing in their absence, that they might not admit them unless they did declare themselves satisfied with the Publick Resolutions, as in the presbytery of *Mearns*: for verifying of which, I desire it to be taken notice of, that that Presbytery having chosen the Lord *Arbuthnot* to be Ruling Elder to the Generall Assembly, they did afterwards writ unto him a Letter, and sent by some of their own number, in which Letter are contained these words: We have sent two of our number who will take your Lordships Declaration when you accept and give your oath to discharge your trust faithfully, whether your Lordship is satisfied with the Publick Resolutions; but if you have any hesitation and scruple therein (as we hope you have not) we must make choice of another, and in some places refusing upon that account to subscribe and approve the Commission of these who were sent from Burghes, as in the Presbytery of *Kirkaldie*, who after the reading the said Act and Letter of the Commission, did refuse to subscribe the Commission given by the Burgh of *Bransland* to *Magnum Aitoun*: because he compared not with the Commission himself to declare his minde anent the Publick Resolutions. These may be instances enough to prove their obedience; If it were needfull to take up time in so clear a businesse, we could bring sundry more which we now delay, because they may be subjoynd to the end of this Paper; but to say no more of this purpose, the Synods and Presbyteries citing of such to the Generall Assembly as did oppose the Publick Resolutions by the order of the Letter and Act (which order for citation did by necessary consequence incapacitate them to be Commissioners) is an undeniable testimony that they accepted of, and yielded obedience therunto.

VINDICATION.

BUt let us prove it further in the discovery of the nullity of the first reason, and for that purpose consider the other particular thereof, which concerns the Commissions Act and Letter. As to the matter in Generall, the Protesters themselves nor any other judicious or sound Christian Will say and think, that the election of Commissioners in Presbyteries ought to be of such a lax liberty as is bounded with no limitations at all; this was the loose way pleaded for by the Arminians at the Synod of Dort, and which would tend to the subversion of true Religion; certain it is, that Presbyteries are so far limited in this that they must not choose any to be Commissioners to a General Assembly, that teaches Doctrine contrary to the word of God, and Constitution of the Kirk agreeable therunto, and therefore if a Commission of the Gen. Assembly, or any other Kirk Indicatory, according to their interest, perceiving Ministers throughout the Kirk teaching contrary to the truth, or practising to the prejudice of the true Religion, should writ to Presbyteries desiring them not to choose any such Commissioners to a Generall Assembly, this were no undue pre- limitation or prejudging their Liberty in election, but a necessary and lawfull warning putting them in minds of, and stirring them to a duty whereunto they were bound, though no such direction were sent to them; This laid down in generall, as to that Act and Letter of the late Commission sent to Presbyteries, we say first, That the Commission did nothing therein but that which other Kirk-Meetings and Commissions had done before them in the same matter, in relation to the election of Commissioners to the Generall Assembly, all which must fall into the ground as null, unfree and unlawfull, if the late Generall Assembly be unfree and unlawfull in its constitutions; Upon this accompt we must look back to the Generall Assembly at Glasgow 38. is self, what directions were sent from the Tables then at Edinburgh in relation to electing Commissioners thereunto. Next, we must refer also to the Letters sent to Presbyteries by the Kirk Commission annis 1639. 40. 41. concerning Commissions to Brethren to those Generall Assemblies, all which are

yet extant in Presbytery Books, but we shall content our selves to hold near hand; the late Commission did nothing but what the Commission did in the year 48. Wherein the chief Proceffers had a chief hand, and yet maintain the lawfulness of that deed, and the freedom and lawfulness of the constitution of this Assembly that followed thereupon; To this the Writer of the large Paper replyeth sundry things in answer to Objection 1. But nothing to take away the force thereof: First, he hints at two differences between the one and the other, as he would have the reader think he might make use of, but passeth by, as having to say beside; To say nothing (saith he) of the difference of reference and citation, neither yet of the difference of a Letter and Act importing that there is a considerable difference between these things, and that the Commission 48. appointed persons dissentient from them onely to be referred, and did send a letter onely; whereas, the Commission 50. made an Act also, and appointed Persons also to be cited to the Generall Assembly; to which we oppose first, the difference between a citation and a reference, When the reference of a person is to be tryed and judged on a fault, and the person is present at the reference is just nothing, see Assembly 1643. Session 2. Aug. 3. Overtures ancient Bills, &c. And I desire the Writer to say if it was not the purpose of the Commission 48. When they did require Presbyteries to refer such to the Gen. Assembly, that there should be laid on them an obligation legal to compare personally before the Gen. Assembly for tryal and sentence upon them, and what else is the end of a citation and summons, nor yet is the more difference betwixt the Act of the Commission and persons to be referred or cited by Presbyteries, and a Letter requiring it to be done, for is there not an Act for such a Letter, and the matter of it, and hath the Letter it self the force of an Act; would not the refusing of what is desired be counted disobedience to the Commission? But it seemeth the Writers memory hath failed here; behold an Act in terminis, as it stands registrate in the Commission book the 5. of June 1648. The Commission of the Generall Assembly recommends earnestly to Presbyteries to take speciall notice of every Brothers carriage in the Publick business that if any be found that do not declare themselves a-

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against the present *Admission* course, nor join with their Brethren in the Common Resolutions thereof, they be referred to the next General Assembly, and if any of them have already declared for it, that they be presently censured, sic sub. Andrew Ket. This may make us doubt the worth of allegiances of this kind, afterwards in matters of fact, when we see not clear and circumstantial testimonies of Registers brought forth.

R E V I E W.

IN answer to what is here said by the Author, I acknowledge that the elections of Commissioners in Presbyteries ought not to be such as is bounded with no limitations, and that if any Commission of a General Assembly, or any other Church Judicatory, according to their interest, perceiving Ministers throughout the Church teaching contrary, or practising to the prejudice of the Truth should write to Presbyteries desiring not to choose any such Commissioners to a General Assembly, this were no undue pre-limitation or prejudging their liberty in election; I believe that none of the Protesters will differ from the Author in this: That Presbyteries ought not to choose any to be Commissioners that teaches doctrine contrary to the word of God, and Constitutions of the Kirk agreeable thereto, and if the Commission in their Letter and Act had terminated themselves within these bounds, no Protester would have controverted with them about it, and I think neither will he controvert with them in this, that if a Commission, or any other Kirk Judicatory teach doctrine contrary to the word of God, and to the constitution of the Church agreeable therunto, and write to Presbyteries to choose none to be Commissioners to the General Assembly who doth oppose such doctrine, that this is a pre-limiting and prejudging of Presbyteries in the liberty of their elections, according to these considerations. The Commission in the 3^r. having sent to Presbyteries a Letter and Act before their elections relating thereto; It seems unavoidably to follow, that some limitation and direction there was in that Letter and Act concerning the elections: But all the question is, whether it was a limitation warrentable or unwarrantable? Now if so, why hath the Author so cautiously, and so much

wrestled to deny that that letter and Act had any influence upon the elections in Presbyteries; if it was nothing but a necessary & lawful warning, putting them in mind of, and stirring them up to a duty whereto they were bound, though no such direction had been sent unto them, then there was no cause to be afraid of the losing of any ground by acknowledging of its influence, the Authors long wrangling about that, doth either seem to say that he is suspicious of the limitation contained therein, as not being warrantable, or else that he hath too great goodwill to dispute, seeing this would have been a short and satisfying answer. The Commission in their Letter and Act did put no bonds on Presbyteries in the election of Commissioners, but such as are well warranted by the word of God, and Acts and Constitutions of this Church, and therefore as the one did nothing but their duty in holding forth the same, so the other did nothing but their duty in accepting thereof, and giving obedience thereto. His long and operous disputation gives his readers occasion to think, that he is jealous of so open and plain a defence: His next and great refuge is, that the Commission did nothing therein but what other Commissions and meetings had done before them in the same matter, in relation to the election of Commissioners, which I do confidently deny, for the instances which he names in the years 1638. 39. 40. and 41. Because he doth but name them without condescending upon any particular, which it is like he would have done, if he had found them much to his purpose; I passe them with these considerations, that what was done in 38. was no authoritative direction, but a friendly information and advice, and that not in a Church adhering to Reformation, but in a Church that had made defection therefrom, and what was done 39. 40. and 41. was agreeable to the Word of God, and constitutions of the Church: But what was done in the 51. was an authoritative direction in a Church now reformed from corruptions, and was contrary to the word of God, and constitutions of this Church. As to the instance of the Commission 1648. which he makes his great refuge, and the things which he saith thereof: First, I do not know who are the chief Protesters, they are all joyned as yoke-fellows in one and the same duty, and I think
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he doth as little know who had a chief hand in that of the 48. but I believe, all of the Protesters do own it, and maintain both the lawfulness of that deed, and the freedom and lawfulness of the Constitution of that Assembly, and yet do no ways thereby hold themselves bound to maintain the deed of the Commission 1651. or the freedom and lawfulness of the Assembly of that year, because of the great differences betwixt these two deeds, which doth still yet stand unreconciled, notwithstanding all the pains the Author hath taken to make them speak the same thing. As to pre-limitation, I shall not wrangle with him about the difference of a Reference and a Citation, whether it be considerable or not; onely this, the Reference in the 48. was not a Reference of particular concernment, (of which sort only the Assembly 1643. Sess. 2. *Aug. 3.* speaks, making it equivalent to a Citation if the person be present) or in order to a sentence upon the persons, and therefore requires no Citation in case of their absence, but of generall concernment, that the Assembly might after hearing such of themselves as did appear before them, advise what course to prescribe to Presbyteries anent them; and if a Reference and a Citation (as he states it) be alone, why did the Commission of the 51 require them not onely to be referred, but also to be cited. If he say, because they might happen to be absent from the Presbytery, then either the Commission in the 48 and their Clerk, did not understand these Legalities, or else they meant not to have them cited, in case of their absence from the Presbytery. As to his desire to the Writer, I have spoken with him concerning his knowledge of the purpose of the Commission in the year 1648. when they did desire Presbyteries to referre such to the Generall Assembly, and he desires me to return the Author this answer, That to the best of his knowledge, and so far as he doth remember, the Commission had not that purpose, that there should be laid on these who were referred, an obligation legall, to compare personally before the Generall Assembly, for tryall and sentence upon them; and he seems to me therein to speak truth: First, because there is no mention in the Act of using any Citation to those who shall be absent from the Presbyteries, without which there could be in that case no obligation upon them

to compear. Secondly, because they lay no legall obligation upon the Presbyteries, either to cite or referre them, but recommends only to referre them; and I do not see how any Presbyteries refusing what was desired, could have been sentenced for disobedience. I know that when any Judicatory writes a Letter, there is an Act for it, and for the matter of it; but the Author is a little wide in his Criticks, when he sayeth, That the Letter it self hath the force of an Act. If he mean it of every Letter from a Judicatory, wherein any thing is recommended or desired to be done, and of an Act laying on a legall obligation; but behold (sayeth the Author) an Act *in terminis*, as it stands registered in the Commission-Books the 5. of June, 1648. The Commission of the Generall Assembly recommends earnestly to Presbyteries, to take speciall notice of every Brothers carriage in the Publick businesse, that if any be found that do not declare themselves against the present Malignant court, nor joyn with their Brethren in the common Resolutions thereof, they be referred to the next Generall Assembly; and if any of them have already, declared for it, that they be presently censured, *sic subscribitur Andrew Ker.* For all the Authors exclamation, here is yet no Act, I mean nothing authoritative and importing a legall obligation, but a meer recommendation; who so peruses the Commissions Books, will find their Acts by which they mean to lay on legal obligations upon these whom they concern, casten in another mould, they do ordain, appoint or require, as is evident from the Letters and Acts from the Commission 31 relating to the opposits of the Publick Resolutions. And albeit the Authors memory hath failed him in a word, in calling it a Letter, yet it hath failed him nothing upon the matter, seeing it is clear, that his meaning was, that it was nothing authoritative for laying on a legall obligation, but a Letter, or such a thing as a Letter, that usually doth onely recommend or desire, and therefore this so small a mistake, needs not make any to doubt the more of allreadgeances of this kind afterwards in matters of fact, though happily clear and circumstantiall testimonies of Registers be not brought forth; and if the Author will be content to be weighed in his own ballance, there shall upon this ground be just occasion to doubt of many things

things which he sayeth, because he doth oft-times in matters of fact, assert things that never had a being, let be to mistake the name of a Paper, by calling it a Letter, when it is an Act. From what hath been said, it appears that there is a considerable difference betwixt what was done in the Commission 48, and the Commission 51. In the 48 there is no more but a meer recommendation to referre to the Assembly, which doth not lay any legall obligations upon the Presbyteries to do it; nor upon the persons to compare in case of their absence from the Presbytery, and not being cited: But in the 51 there is a formal authoritative Act, requiring them to be referred and cited.

VINDICATION.

NOW to our present purpose; if ye will compare this Act of the Commission 48, with the Act and Letter of the Commission 51 now in question. The Letter will be found much more moderate and sparing; for first, the Act and Letter of the Commission 51, doth not require the Presbyteries to censure any at all for opposing Publick Resolutions, but only requires them to be referred and cited to the Generall Assembly, whereas the other 48 requires, that all who did declare in the least against the Resolutions, be censured presently, sundry being deposed, namely for speaking some few words against the Commissions Declaration, against the engagement. The Act & Letter of the Commission requires not (as the other duty) any to be referred for meer silence, nor all that professed themselves unsatisfied with the Publick Resolutions, though after conference they remained unsatisfied, but only such as make opposition to the Publick Resolutions. Yea, only such as continued in their opposition obstinate, all due means of satisfaction being offered and refused) to the hindering people from going forth to the present and necessary defence of the Land, and not drawing others from it, which at that time was a most evident exposing of the Land without resistance to the power of the Enemy. This much to the second Difference hinted at, and professed to be past by.

R E V I E W.

I Desire that in making of this comparison, it may be taken notice of, that the Commission in the year 1651. had long before the sending of that Letter and Act now upon debate sent to Presbyteries, not only Publick Warnings, wherein the opposits of Publick Resolutions are characterized as Malignants, and holden forth upon the matter, as the betrayers of the Cause and Countrey, and animating the Civil Magistrate to use Civill Censures against them (as shall be afterwards proved from the Papers themselves) but also a Letter and Act requiring them to censure such, the tenour hereof followeth: Reverend and Welbeloved Brethren, finding that notwithstanding of our faithfull Warnings and great pains taken to satisfie all men to concur in their places for furthering of the Leavies, for defence of Religion, King and Kingdome, and all other our dearest Interests, many are so far from concurring, that they do very vehemently go about to obstruct the Work, by writing, preaching and perswading to the contrary : We do therefore require you, that you carefully enquire in your Presbyteries, what Ministers do preach, or otherwise perswade, contrary to our present publick and published Resolutions; and that you proceed to censure such as are in your own number ; and if any Minister that travels among you, transgresse in that kind, let him not be permitted to preach in your bounds ; *Sic subscribitur Pearsh, March 20. 1651.* It is not then to much purpose to tell us, that the Act and Letter of the Commission doth not require the Presbyteries to censure any at all for opposing of Publick Resolutions, seeing they had expressly done it long before that time in another Letter and Act sent for that purpose; and the second thing wherein he compares them, will also be found no wayes considerable, if we shall remember that these Warnings of which we spok, hath no distinction of such as professe themselves unsatisfied with Publick Resolutions, and such as do oppose them, but takes in both the one and the other; yea, and these who are silent too, and applys the Acts of former Generall Assemblies against them, as is evident from
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the Warning issued from *Pearth, March 20, 1651*. I wish the Author had told us how he differences such as professe themselves unsatisfied, and such as oppose. Can a man professe himself unsatisfied, and even after conference professe himself so, and yet be silent, and say nothing to the contrary? I believe he means not opposition by force; but a Ministers declaring his judgment, and bearing testimony against the course in his Station and calling, and how a man should professe himself unsatisfied, and not to do this, I cannot tell, unless he should become neutrall and indifferent in the matter of his duty. He asserts sundry to have been deposed in the 48. namely, for speaking some few words against the Commissions Declaration against the Engagement, but doth not let his Reader know who these were, and by whom and when they were deposed; I do not remember of any (neither yet do others who were much employed about these matters) that were deposed by the Commission for speaking against their Declaration against the Engagement before the Assembly 1648. and if he mean it after the Assembly, it is not to the purpose. Which things make it appear, that the Author hath not found the Commission 48 so rigide and severe, that he hath any cause to preferre the Commission of the 51 unto them for moderation and sparingnesse, though there were no difference upon the matter, and in regard of the persons with whom they had to do.

VINDICATION

Now to the rest insisted on; First, saith the Paper in the year 48, when a little before the election of Commissioners to the Generall Assembly, it was moved by some of the Commission, that something might be written to Presbyteries, requiring them to choose none but such as were against the Engagement; it was opposed and refused by the Commission, as favouring a way of pre-limitation of the Assembly, and all that was there done was a Letter written to Pre-byteries, giving them account of their proceedings, and exhorting them to their duty, to choose able and faithful men. Answer. That more was done in the preceding Generall Assembly, we have made it evident.

But what is all this said here to what was alledge'd, that the late Commission had done nothing but what the Commission 48. had done before them? Did the Commission 51. write to Presbyteries, requiring them not to choose any against, or opposite to their resolutions; to be Commissioners, not one word more or less of this? Or did not the Commissions Act 48, bear and import as much as the Act and Letter of the Commission 51, yea, as much and more both extensive and intensive, as was clear'd in the preceeding. But you will say (as it is in the Paper) in the Commission 48, about that time that a motion was made, that something should be written to require Presbyteries, not to choose any but such, &c. and was oppos'd and refus'd, as favouring pre-limitation. Answer. I will not say who made the motion; but I say, this is to little purpose; for, What if I shall say the like motion was made in the Commission 51, and oppos'd and refus'd too; But further I prove by the Writer of this Paper his grounds what the Commission 48. did upon the matter; that which they did, was really to pre-limit as Presbyteries, that they should choose none but such, as if they had written as much to them in formal expresse terms; for their Commission required Presbyteries either to refer (or upon the matter to cite) to Generall Assemblies, or to censure presently those who were otherwise dispos'd without leaving any of them; First now such as were under any censure clear, could not be chosen Commissioners; & the Writer himself saith in answer to the 3 Objection, branch 2. That it cannot be deny'd, that a citation in matter of scandal in doctrine or manners, will or ought to exclude a man from being a Commissioner. Therefore upon the matter that the Commission did require, that Presbyteries should choose none but such as were against the Engagement, the Act and Letter of the Commission 51, if it did import exclusion of any from being Commissioners, was not so wide by far; It required not all unsatisfied, but such as continued to oppose to be cited; and there were many unsatisfied at that time, who made no opposition, and therefore might have been, for ought that can be any wayes drawn from the Act and Letter, chosen to be Commissioners, as sundry were de facto. Second consideration presented in answer to the former alledgeance, is, that that Letter of the Commission 48,

was not written by the Commission, as we remember, until most part, if not all elections in Presbyteries were passed, as will be cleared in the date thereof. Ans. So were many of the elections of Presbyteries past before the Letter of the late Commission came to them; but that all, or most part of elections were past before that Letter was written 48 to Presbyteries, we cannot upon a naked assertion believe. The Writer would have done well here to express the date of the Letter; for I doubt not but he might have had it out of some near Presbytery Book; I cannot give a double ofis for the present, but I shal give an evident presumption that it was otherways then it is said here. First, in some Presbyteries, I will take upon me to prove; that some Presbyteries, dayes, ere they began to think on the Election of Commissioners some of their Members were upon that Letter of sidence in the Publick busines, referred and cited to the Gen. Assembly. Next, look to the date of the Act of that Commission formerly (see down here, it is upon the 3. of June. Now, it is evident, that this Act had been made in order to that Letter, if itself was not also sent with it, and the Assembly did sit that year upon the 12. of July; so that betwixt the appointment of the Letter and the date of it could not be much after it, and the down-sitting of the Assembly, there intervened full five weeks. Now, allowing eight dayes for the dispatch thereof unto Presbyteries (so the most part to what Presbyteries it might sooner come) it might have been at Presbyteries twenty or twenty five dayes before the Assembly. Now, this well known, that few Presbyteries, except it be such as are farthest distant, choose their Commissioners so long before the Assembly.

R E V I E W.

THAT no more was done in the Commission of the 48, then writing of that Letter which gave the Presbyteries an account of their proceedings &c. is not asserted by the Writer; yea, he tells plainly enough, that more was done; for the thing which he saith, is, that no more was then done, &c. when that motion was made; and within two or three lines he subjoyns, that that Letter which is mentioned in the objection, was

not written by the Commission, until most part if not all the elections in Presbyteries were past, and therefore the Author does wrong when he leaves out the circumstance of time, which the writer put in, and expounds him so to his reader, as if he had said that there was no more done at any time, neither then nor thereafter; but he cannot understand what all that is said of this is, to that which was alledged that the late Commission had done nothing, but that which the Commission in the 48. had done before them. It is to that which was alledged, because it contributes for clearing of the Commission of the 48. as to the matter of pre-limitation; because they did reject all motions tending that way. It is true, that the Act and Letter of the 51. did not expressly, and in the words bear that none who did oppose the Publick Resolutions should be chosen Commissioners; but it did by good and clear consequence import no lesse, and what ever the Author be pleased to say of the recommendation that was sent to Presbyteries in the 48. that it doth contain as much and more than the Letter and Act of the 1651. yet hath he not proven it. The Author tells us, that he will not say who made the motion in the Commission in the 48. for writing to Presbyteries to choose none but such as were against the engagement; And withall, what if he shal say that the like motion was made in the Commission 51. and opposed and refused; I believe as he will not say so, so he cannot say who made the motion, and the men whom haply by such hints he would render suspected, were not the makers, but the opposers of it. If the like motion was made and opposed in the Commission 51. why did he not speak it out? but conceiving these things to little purpose, he falls upon proving by the writers own grounds, that the Commission 48. did upon the matter that that did; as really pre-limitate Presbyteries, that they should choose none, but such as did oppose the engagement, as if they had written as much to them in formall expresse termes. His proof of this point as he layes it down, may be thus drawn in form: Whosoever requires Presbyteries either to refer to the Generall Assembly, or to censure presently these who are otherwise disposed, they do by the writers grounds pre-limitate the Presbyteries in their elections: But the

the Commission of the General Assembly 1648. did so, viz;
 &c. The first Proposition he makes out thus: Such as were
 under a clear censure could not be chosen Commissioners; and
 the writer himself saith in answer to the third Objection, 2.
 branch, that it cannot be denyed that a citation in matter of
 scandall, in doctrine or manners will be ought to exclude a
 man from being a Commissioner: I shall now answer to this
 yeeld unto him all that he alledgeth, though it all might be
 yeelded without any prejudice to the Cause; because on sup-
 posall that there had been a limitation in that which was done
 by the Commission in the 48. in being an limitation agreeable
 to the Word of God, and constitutions of this Church, it was
 due and warrantable, which the other in the 51. was not; but
 leaving this to fall in its own place. I return answer first to
 the first Proposition, by distinguishing of the times when such
 a thing is done, whosoever before or in the time of elections
 requires this thing, it is true of them that they do pre-judice
 elections; but who so requires not this til the elections be first
 made; it is not true of these, and this was the case in the year
 48. the elections being past in most places before it was done;
 and might be justly presumed to have been past in all as shall
 afterwards be more fully cleared; but it was not so in the 51.
 what was then done, being previous to the elections. Next, I
 give clear answer by denying the minor; because the Commis-
 sion did not require such a thing, the most that they did was to
 recommend it, which is far from requiring, and therefore by
 the writers grounds the Author hath proven nothing at all.
 To the second consideration, that the Letter and Act of the
 Commission 48. was not written untill most part, or all electi-
 ons in Presbyteries was past, he makes answer that so were ma-
 ny of the elections of Presbyteries before the Letter and Act of
 the Commission 51. came unto them: But that is not true, if
 we take the Authors own ground, to wit, that few Presbyte-
 ries, except it be such as are farthest distant choaseth their Com-
 missioners 20. or 25. dayes before the Assembly, and allowing
 8. dayes for dispatch to Presbyteries, and take withall the date
 of the Letter and Act of the Commission 1651. which is the 28.
 day of May, and compare it with the day of the down sitting
 of

of the Assembly, which was the 16. day of July, the untruth of this will appear, because between the date of the Act, and the diet of the Assembly are 48. dayes, of which deducting 8. for the dispatch, there do remain 40. dayes till the Assembly, which do far exceed the time spoken of by the Author, for the other part of it, that most part of the elections 48. were past before the Letter and Act of the Commission came unto them; I do appeal to the Presbytery Books. There is little or no weight in the presumptions that the Author gives to the contrary. 1. He takes upon him to prove, that some Presbyteries did upon that Letter and Act refer and cite some of their members to the Generall Assembly, some Presbytery dayes before they began to think upon the election of Commissioners but he hath named none, and comprites them under the word some, haply lest it should be known how few there were, probably but one, that is, *Dr. Andrew* in the matter of one of their university men, who was also *Dr. M.* Next he makes a supposition, but *in 8. dayes* for the dispatch of the Letter to Presbyteries, and that to the most part of Presbyteries, it might have soon come, and but of 20. or 25. dayes intervening betwixt the diet of the Assembly and the elections in most parts of Presbyteries; If the custome of dispatch had been by posts hired, and dispatched to severall parts immediately; after the writing of the Letter, and making of the Act, it might have come to the most part of Presbyteries in 8. dayes, but so it was not, neither in the 48. nor 51. but by occasional bearers, and therefore would take more time, and I think it is said *gravid*, that few Presbyteries do make their elections 40. or 25. dayes before the Assembly; but there is no sure way of determining these differences about circumstances of time, when neither the one nor the other Letter came to Presbyteries, but from the Presbytery books, and therefore to these I do appeal to stand or fall in this matter, at their judgement, only remembering this, that it is clear that the date of the Letter and Act of the Commission 48. is but five weeks before the Assembly, whereas the date of the other is 7. weeks before the Assembly.

VINDICATION.

THe third Consideration presented by the writer of this Paper, is, that before the writing of that Letter (by the Commission 48.) the whole Kirk of Scotland almost in all the Presbyteries and Synods thereof had declared themselves in conscience unsatisfied with the engagement, excepting a very few Ministers scattered here and there in Presbyteries, which few were also known to be opposites to the work of God, or neutralls and indifferent therein from the beginning. Answer 1. If by the Kirk of Scotland be here understood, the collective Kirk, I cannot see how it is true that is said here, that the whole Kirk of Scotland for the most part, except a few Ministers had declared themselves unsatisfied with the engagement; certain it is, and too certain, that very many in the Kirk of Scotland in this sense of all ranks, in all quarters almost, were too evidently too active for it; as the censure civill and Ecclesiasticall which thereupon followed do witness; if the Ministeriall Kirk be understood, it is true that the far greater part were dissatisfied; but yet they were not so few Ministers that were of a contrary mind; they were too many, and in some places the greater part of whole Presbyteries. It may well be remembered what a summe they were like to have accompted to, at the time of the Generall Assembly, and it seems to me too much, that all of these were either opposers of the work (whether hereby be understood the outward work of Reformation, or the power of Religion) or neutralls, or indifferent from the beginning, the contrary is known of some of them; and I would not say so much of all them that were censured, though I acknowledge their censure was just.

2. A great part of the Kirk of Scotland before the writing of the late Commissions Letter, had declared themselves satisfied with the Commissions Resolutions, and dissatisfied with the course of the opposers thereof; and counts when the writer will, he shall find that the dissenters from the Commission 48. were not fewer; yea, not so few as the dissenters from the Commission 51. we know that the number of these amounted to at their greatest Meeting, as of late, and howsoever more of these

these then of the first be godly men, and had been more faithful in the Cause formerly, yet their present course as that time being not faithfulness to the Cause, but prejudiciall to it, and to the whole Kirk and Country both; they might justly have been referred and called before the Gen. Assembly, to give an account of their way as well as the former were, though they be more tenderly dealt with, as to themselves was evidently seen in the whole progress with them, and was also really apparent in the very Act and Letter of the Commission.

R E V I E W.

I Think the Author did well enough know, that in setting down of the third Difference, the Writer did not mean of the Collective, but of the Ministeriall Church; of which not only the greater part, but almost all had declared themselves unsatisfied in Conscience with the Engagement, excepting a few Ministers scattered here and there in Presbyteries, who were known either to be opposers of the Work of God, or neutrall and indifferent therein from the beginning; it is true, they were too many in regard of the evill course they were engaged into, yet were they but few in number who did not at that time in some outward way, at least, give some testimony against that Engagement, though (alas) some of these in these late Resolutions, have now dissembled it in their words, and may have betrayed it in their actions, that what they then did in condemning the Engagement, and afterwards approving the solemn Publick Confession of sins, and engagement to duties, was against their hearts, when the Author hath stretched their number to the utmost, the most he dare say of it, is the great part of whole Presbyteries in some places; But these some places that he speaks of were so few, that it will be found they will come to a very poor account when they shall be named, they were so far from being like a amount to any number at the Generall Assembly. If he mean of these who were Members of the Assembly, that there were few (if any at all) who did not joy in approving the Declaration of the Assembly against the Engagement. If he mean of these who subscribed the divisive

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Supplication; these were so few, that they did not all of them being put together, amount to the twentieth part of the Ministry of *Scotland*, and sundry even of these, did before the Elections, joyn with their Presbyteries and Synods, in bearing testimony against the Engagement; I will not blame him for his charity to some of these men: The Writer did not say, that all of them were known to be opposers, or neutrall, or indifferent in the Work of God from the beginning, but spoke indefinitely, meaning (as I take it) of the bulk and generality of them; and I believe the Author himself being judge, but few instances to the contrary can be given; It is true that a great part of the Church of *Scotland* before the writing of the late Commissions Letter, had declared themselves satisfied with the Commissions Resolutions, and dissatisfied with the course of the opposers thereof: But it is also true that there was a great part of the Church of *Scotland*, who had not declared themselves satisfied with these Resolutions; yea, a great part who had declared themselves dissatisfied therewith; and it is a wonder to me that the Author should say, that count when the Writer will, he shall find that the dissenters from the Commission 1648. were not fewer; yea, no so few as dissenters from the Commission 1651. I hope he is speaking of the Ministeriall Church in regard of both, the question now being of pre-limiting the elections, and it being to no purpose to speak of any other, in regard of these; let him name if he can, any Synod, Presbytery, or Kirk-Session in *Scotland* that did give any testimony or evidence of their dissent from the proceedings of the Commission against the engagement 1648. If he will believe the testimony of the Generall Assembly 1650, the whole Ministry and body of the People in the Land did joyn in their Prayers and Supplications in private and in Publick against the engagement, and the Ministers every where in their Sermons did bear clear testimony against it, and all the Church Judicatories, Synods, Presbyteries and Sessions did petition the Parliament against it, and another declaration of the same Assembly, within a few dayes thereafter, in answer to a passage of the Declaration of the English Army, tells him somewhat to the same purpose; we do not remember, say they, that any of the Mi-

nisters did preach and cry up a war against *England*, and as we know that the body of the Ministry were unanimous, and zealous in bearing a joynt testimony, both in their Sermons and otherwise, against that war, so these few that were silent have been censured for their silence; and the Committee of Estates at the same time in their Declaration testify thus: Did not all the Judicatories of the Kirk unanimously oppose and declare against it? Did not the Ministers faithfully Preach and Pray against it, and generally all that feared God in the Land Petition against it, and many such Passages are to be found in our Publick Papers, from the time of carrying on the engagement; yet the Author is so zealous to weaken every thing, that the writer saith, for differencing that which was done by the Commission 1648. and the Commission 1651. that he had rather retrench upon that which hath been often and truly declared by this Church of their being free of any accession to the unlawfull engagement then not to do it; this deserves his second thoughts; but upon the other hand, beside the generality of these in the land who are of known approved godliness and piety, and are dis-satisfied with the Publick Resolutions, as will, I trust, be acknowledged by godly men of a contrary mind, speaking soberly, and without the heat of dispute: It is easie to give him some instances of some Synods, and of many Presbyteries, besides many particular members in Presbyteries throughout all the corners of the Country, who were not onely silent in speaking for the Publick Resolution; but who did bear testimony and speak openly against them: A thing so well known that I need not stay to name the particulars, but they must still be few in his catalogue; we know saith he what the number of these amounted to at their greatest Meeting at *Edinburgh* of late; If he mean that all the Ministers of the Land who are of that judgement were at that Meeting, he is much mistaken, and if not so, it is not much to the purpose, there are many Ministers in the Land of that judgement, who were not at that Meeting, and yet there were very near a hundred Ministers at that Meeting who are approved in the Consciences of the godly throughout the Land. He acknowledges that many more of these then of the first were godly men, and

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had been faithfull formerly, but their present course at that time being not faithfulness to the Cause, but prejudicial to it, and the whole Kirk and Countrey as he thinks, they might justly be referred and called before the Assembly as well as the other. It is well that they were godly, and such as had been formerly faithfull; as for their unfaithfulness at that time, it is the point in question betwixt them and the Authors and abettors of the Publick Resolutions, they are perswaded in their Consciences and have clearly holden forth the same unto others, that they were keeping the ground on which the Church of Scotland did run these many years past, for defending the Country and Cause against the enemies thereof; and if others did forsake their ground, they were not to be esteemed unfaithfull, nor to be charged with that crime, because they would not leave their Masters Colours: I shal not insist upon what he speaks of the tender dealing which they met with, because there may be opportunity to speak to this afterwards, what is apparent in the Letter and Act of the Commission is already spoken unto.

VINDICATION.

THe fourth consideration proponed by the Writer, is, that the Resolutions then (viz. 48) were agreeable to the Covenant, Acts and Constitution of former Generall Assemblies, whereas the Resolutions of the late Commission were point blank contrary to the Covenant, and the former Acts and Constitutions of this Kirk. Answer, this is the onely materiall difference between the two Acts taken, to wit, from the matter that the Commissions Resolutions 48. were right, but the other 51. Wrong, and upon this alledgeance, that the Resolutions of the late Commission were contrary to the Covenant and Constitutions of this Kirk bangeth the strength of the most part of the rest of the arguments, brought to prove the unlawfulness of the late Assembly; I will not challenge the Writer that alledging the error of these Resolutions, he so often mentions, onely the Covenant, and Acts and Constitutions of Assemblies, and seldome the Word of God or Scripture: For my part in speaking of the truth or error of an opinion, in matters of Conscience, or of the sinfulness or lawfulness of a course, I would not

mention, regulas regulatas sine regula regulante, the subordinate rules without the Supreme and Sovereign rules. But to the point 1. That the Resolutions of the late Commission were such as the Writer saith, is as easily denied as he affirmeth it, the greatest part of the Land Ministers, and others als intelligent in Religion as he, did, and do this day judge otherwise of them then he, and he shall never be able to prove what he affirms, and the late Commissioners were, and yet are constant that their late Resolutions be examined, tryed and judged by the Kirk of Scotland, or all the Orthodox Christian Churches of the World, by the Word of God, Covenant, and Constitutions of this Kirk.

R I V I W

I Shall not contend whether the difference taken from the matter, be the onely materiall difference, it is certainly the mainly materiall difference, though the other differences of the time, and of Presbyteries & Synods, having declared themselves, and that taken from the nature of the thing be also important. It is true, that much of the strength of severall other of the Arguments hangs on this Alledgeance, that the Resolutions of the late Commission, were contrary to the Covenant and Resolutions of this Church; and (I hope) that this Alledgeance will bear the strength of all the Arguments that are founded thereupon. These worthy Assemblies 1638, & 1639, joyned themselves with the form in the reasons brought for nullifying of former unlawfull Assemblies. Before the Author gives answer to the difference, he taxeth the Writer, that alledging the error of these Resolutions, he so often mentions onely the Covenant, Acts and Constitutions of the Assemblies, but seldom the Word of God or Scripture, and tells us for his part in speaking of the truth or error of an opinion in matters of Conscience, he would not mention *regulas regulatas sine regula regulante*. Well, it seems some of the Protesters (if the Writer of this Paper be of that number) hath respect enough to the Acts and Constitutions of the Assembly; for the want of which, the Author challenged one of them not long ago, as saying, that he was not

to be pressed with them in matters of Conscience; and it also seems that in matters of Conscience, the Author likes not the maintaining, much lesse the pressing of these without the Word of God; and some will perhaps think that a man of that mind might bear with his brother, saying, Presse me not with humane Constitutions in matters of Conscience; *sed multum interest quid loquatur*. The reason why the Writer doth often mention only the Covenant, Acts and Constitutions of Assemblies, is, because when we speak of a defection in resolutions and actings from former Principles, it is the more near and convincing way to mention the former Acts and Constitutions of that Church, which immediately must decide whether a delegated Commission, which is only intrusted to execute former Acts, and hath no power to make new ones, hath walked according to their trust, yea, or not: and a second Reason is, because the Writer took it for uncontroversied, as being acknowledged by all the Kirk of Scotland, that the Covenant and Acts and Constitutions of this Church, did presuppose and include the first and supreme rule, the *Word of God*; And the Author cannot but know, that though the Writer had not mentioned the Word of God further than it is included in the Covenant, and Acts and Constitutions of the Church, he hath great Patrons for his so doing, to wit, the Assembly at Glasgow 1638. which in their great Acts against Episcopacy, Five Articles of Perth, Service Book, &c. do state, vote and print the Questions anent them, meerly upon their contrariety to the Nationall Covenant, and Acts and Constitutions of this Church, without mentioning *Regulam Regulantem*, that being presupposed by all as being included in *Regula regulata*. But to the point. First, the Author denies, that the Resolutions of the late Commission, were contrary to the Covenant and Constitutions of this Kirk, and sayes, that the greatest part of the Land, Ministers and others, as intelligent in Religion as the Writer is, did, and doth this day judge otherwise of them than he, and that he shall never be able to prove it. There hath been more said for the proof of it, then for ought I know hath been answered to this day, or can be answered, if men deal fairly and ingenuously; and therefore I shall not here stay, to repeat

peat and resume these things, I shall onely ask the Author a very few plain Questions; and desire a down-right and plain Answer to them in order to this point: First, whether in the judgment of many of these who were by the Publick Resolutions of the Commission, 1651. admitted to trust in the Army and State, the Solemn League and Covenant, and former Acts and Constitutions of this Church, were not opposite to these Resolutions. Secondly, whether in the judgment of many of the godly in the Land, these Resolutions and proceedings were not opposite to the Solemn League and Covenant, and the former Acts and Constitutions of this Church, and could not be reconciled therewith? Thirdly, whether it was not thought and spoken by no mean men, Members of the Commission 1651, and others who carried on the Publick Resolutions, that these who had hand in the penning of the Publick Papers of the Kirk these years past, had in reference to the matter then in debate foisted in many sentences and expressions in these Papers contrary to the true intent and meaning of the Judicatories of the Church, which they then made use of for their own ends. 4. whether the sin of employing many Malignant & disaffected men in our Armies, which is confessed in the Solemn Publick Confession of sins, be not comprehensive of employing of such in our defensive war against *James Graham*. Fifthly, whether the Solemn Engagement in the 48, do not bind us to avoid all the sins that we acknowledged in the Solemn Confession, and all the snares and temptations that led thereunto, and to endeavour all the contrary duties? Sixthly, whether the Generall Assembly and their Commission, after the coming of the *English* Army to invade this Land, did not positively, and oftener then once, determine and warn against the employing and intrusting Malignant and disaffected men in our Armies, even in the case of scarcity of men for the Lands defence? Seventhly, whether at the time of the Commission its giving their answer to the Parliaments Quere, there was not a very numerous Party of Malignant and disaffected men in the Land, who did adhere to their former principles? Eighthly, whether the Answer to the Quere, or any thing contained in the Publick Resolutions do acknowledge it, or hold it forth as sinful and unlawfull to employ

employ and intrust Malignant and dis-affected men in the defence of the Cause and Kingdome? Or whether that Answer and these Resolutions, do acknowledge and hold it forth to be lawfull to employ and intrust such? Ninthly, whether there be any Act, or Constitution, or Warning, or Declaration of this Church, or any Publick Evidence of her judgment before the Answer to the Quære, that speaks for the warranting and allowing the Publick Resolutions? or what it is, or where we may finde it? Tenthly, that the Commissioners are yet content to have their late Resolutions tryed and judged by the Church of *Scotland*, is no great matter, when they have first pre-limited an Assembly, excluding many of these who were of a contrary mind, and constituting it mostly of these who are of their own judgment, and have made Acts for censuring of all who shall not acknowledge the Constitution of that Assembly, and after conference, submit to the obedience of these Acts; but if the Author would take the collective Church of *Scotland* to sit as Judges upon the late Resolutions of the Commission; and state the question thus, whether are the late Resolutions of the Commission, agreeable to the Solemn League and Covenant, and to former Acts, Constitutions, Warnings and Declarations of this Church, I fear the determination should be in the negative; yea, if the whole Ministeriall Church should speak their hearts of that Question as before the Lord, I still fear it should be in the negative, all the Orthodox Churches in the World is a broad word, and I say no more of it, but that men well skilled in their doctrine, and to whom (I believe) the Author himself in this respect, and for piety and learning will not deny an honourable testimony, do teach us otherwayes. The matter is already pleaded by the Word of God, and Acts and Constitutions of this Church, and I shall now speak no more thereof.

VINDICATION.

BUt secondly, *Whatever be to be said to the nature of these Resolutions, yet the matter was at least alike to the General Assembly at the time of the constitution of the Assembly,*
and

and the Protestation against the same; for the resolutions and proceedings of the Commission 48, were no lesse quarrell'd by an opposit Party, then were the resolutions of the Commission 51. the Party quarrelling 48, being no lesse then the Parliament, and in this onely few Ministers, and the reasons of the former were a great deal stronger and harder to be loosed; the Generall Assembly was here Judge to both, as in the first quarrell, the Commission would not be absolved from the accusation charged upon them untill all was heard and tryed, so the Commission 51, could not be condemned for the exceptions and allegations of a few Brethren, before that any of them were or could be cognosced upon. By all this which hath been spoken, that what the writer saith, shewing up the same, that these things being put together, make up a wide difference between that which was then done 48, and that 51 was but a groundlesse assertion; we have evidently shoven that there is no difference betwixt the one deed and the other (so that if the one was guilty of pre-limitation of election of Commissioners, so was the other no less) except that the deed of the Commission 51, was a great deal more sparing and moderate. So we have vindicated that particular answer to the first reason against the freedom and lawfulness of the late Assembly, alleging pre-limitation of the election of Commissioners, viz. that the Commission did nothing therein but what was done by the Commission 48, whose deed the Protesters maintain with us.

REVIEW.

IT is easie to give sundry materiall differences: 1. These Resolutions at the time of the Constitution of the Assembly, and the giving in of the Protestation; besides that, they were against the clear Letter of Acts of former Assemblies. So were sundry standing up in the Assembly, and offering instantly to verifie that it was so; but in the 48, the proceedings were agreeable to the Acts of the Assembly; and albeit there were some who desired that these proceedings might not be approved till they were heard; yet none did offer instantly, or at all to verifie that they had carryed on a course of secession, contrary to the

the Covenant, and Acts and Constitutions of the Church. Secondly, in the 48, the proceedings of the Commission were not testified against, by Presbyteries and Synods, much lesse dissented from, and protested against by many in the Commission it self: but so it was in the 51, not onely did Presbyteries and Synods bear testimony against these things, but a great part of the Commission; yea, so great a part, that who so shall reckon, I believe, shall find them very near, if not equall the one half of the number, to whom the trust of these things were committed by the Generall Assembly. Thirdly, in the 48, there was no exception at all proponed from the unfreedom of Elections, or from persons under scandal, because of defection and back-sliding from former principles; but so it was in the 51. These things evidence a very great difference between the one and the other at the time of the Constitution of the Assembly, & the Protestation against the same, and to take off any thing that the Author saith, for proving them to be alike, I do desire it further to be considered, That as in the 48, it was not the Parliament who was the party quarrelling the Commission before the Assembly, the Parliament being risen a good while before the Assembly sat down: So, in all this business of the quarrelling that was made against the Commission in the Assembly 48, is much mis-taken and mis-represented by the Author all along his Vindication, as shall in its proper place be cleared. Secondly, that it was not desired (as the Author doth insinuate) that the Commission 51, should be condemned for the exceptions and alleadgences of a few brethren before that any of these Resolutions were or could be cognosced upon, but onely that they should not be admitted to sit as Members of the Assembly, untill the exceptions proponed against them were tryed and discussed. Thirdly, that in the 48, as the party quarrelling did not either at the time of the Constitution of the Assembly, or afterwards before the trying and approving of the Proceedings of the Commission, offer any reasons to the Assembly against these Proceedings; so the reasons which they did afterwards offer, were not very strong nor hard to be loosed, much lesse stronger and harder to be loosed, than thereasons offered in the 51, by these Ministers, the last

being founded upon the Word of God and the Covenant, and the clear Acts and Constitutions of this Church, and the other not so; These things being thus discussed, it still appears that the Writer had good reason to say, that there is a wide difference betwixt that which was done by the Commission 1648, and that which was done by the Commission 1651. as to the pre-limiting of the Assembly, and that the Protesters have reason to condemn the last, though they maintain the first.

VINDICATION.

WE shall add some further considerations in answer to the first Reason; But ere we proceed, a word upon what the Writer of the 2. Paper hath upon the 2. Objection, which either he hath formed to himself, or found I know not where, viz. That it was in the Commissions power, not onely to appoint those who opposed the Publick Resolutions to be cited to the Generall Assembly, but also to have censured them by vertue of a clause contained in the Commission; and that therefore having kepted themselves far within the bounds of the Commission, &c. The Writer of this Paper for clearing of this business, runs out in a discourse concerning the nature of delegated Judicatories, that they are and must be from the light of nature and common reason, limited to a certain rule in all their administrations, to wit, to standing Lawes of the Incorporations to which they do belong, and to a certain end, viz. the good and preservation of the Whole body, and in application unto, or accusation against the late Commissioners of the Generall Assembly their Resolutions: He affirms, they were not onely without the Warrant of an Act of the Assembly (which should have been their rule) and not only not contributive for the preserving and advancing of the Work of Reformation, but expressly contrary to the clear letter of the Covenant, and multitudes of Acts, and destructive to the Work; and that therefore assuming to themselves a power to censure or cite such as did oppose them; they did not onely go beyond the bounds of their Commission, but destroyed the very end of it, viz. the preservation of the Liberties of the Kirk, in bringing Generall Assemblies to bondage, by excluding

cluding all such as would not consent to the course of defection, a dangerous and damnable preparative, laying a foundation for the totall overthrow of Discipline, yea of Doctrine and worship; yea the Commission being once corrupted, the introducing of Prelacie, Service-Book, Popes supremacy, the whole body of Poperie. Here certainly, the Writer hath filled his Pen with succo fuliginis, to render the Commissioners odious and detestable to all. But to these briefly: First, if it was another man that proponed the Objection then the Writer himself. I verily think, he did not mean that the Commissioners had power by their Commission to cite and censure opposers of any Resolutions made by themselves, right or wrong (neither doth the Objection as set down by the Writer himself import any such thing) but opposers only of their just and right resolutions, such as (I doubt not) he took the late resolutions to be, and therefore all the Writers running out upon the nature of a delegated Judicatory, &c. as to that Objection, is but a fighting against his own shadow. Secondly, we know and acknowledge, that delegated Judicatories are limited to a certain end, and a certain rule; yea, we think further, that Judicatories not delegated, but having power originally in themselves humane are so limited too. But that the late Commissioners did in their Resolutions carry on a course of defection, contrary to the expresse letter of the Covenant and multitude of Acts of this Kirk, and destructive to the Work of Reformation, and that they destroyed the Liberties of the Kirk, brought the Generall Assembly to bondage, is said, but was never, nor will never be proven; and so but a foul calumnie and false accusation of the Brethren, of which that uncharitable expression, calling what the Commissioners did, damnable, (which being used for aggravation here, cannot simply mean onely, that the thing done was worthy to be condemned, as every error even the least is but also damnable to the doers) I pray the Lord give the Writer repentance and forgiveness.

TO all this I return, That albeit the maker of the Obejection concerning the Commissions power took their Resolutions to be right and just, yet doth not the Writer fight with his own shadow, because the objector and the Commission both in the matter of these Publick Resolutions takes wrong for right, and unjust for just, and upon this mistake conceives them to have power where they have none, which mistake the Author discovers by holding forth the discordance of these Resolutions, with the rule according to which they were bound to proceed, both upon the matter, and by vertue of their Commission which the Author is pleased to call a foul calumny, and uncharitable accusation of the Brethren, that never was, nor never shall be able to be proven: But I desire him soberly to remember 1. That neither he, nor any of his judgement to this day have so far befriended their own cause, or satisfied these who stumble and gainsay, as to bring forth any Act of this Church prior to these Resolutions for justifying thereof, though it often hath been called for. 2. That many Acts of this Church hath been brought forth, speaking plainly against these Resolutions, to which all the answers which hath been returned may (as I take it) be comprehended in one of these two, Either denying that the Malignant party were joyned with, about the defence of which denyall the Author and others may exercise their ingines, but shall never be able to satisfie the consciences of the godly in it, and I fear nor their own fully; or else in telling us that it was a new case, which we never before had to do with, or occasion to determine, to wit, the case of the defence of Cause and Kingdom against a forrain invasion; but it hath been often told him and others (and I wish they would once consider of it) that even in the case of the Cause and Kingdomes defence against forrain invasion, the unlawfulness in joyning with the Malignant party; hath been often determined by this Church; yea, in that very case which is the present question, and in the highest advantage they can have in the stating of it, that is the case of scarcenesse of men

as to his great exception against the word *damnable*; I cannot think that the Writer meant it of bringing with it damnation to the Writer; he cannot be so grosse as to take it for the sin against the holy Ghost; yea, he will, I believe, allow as much in the matter of Salvation to some of these as to any others, and desires to think charitably of all men; I dare say, all his meaning was, that it was a thing worthy to be condemned but so (saith the Author) is every error, even the least; and I would aske him, is not every error even the least damnable, both in it self, and if mercy prevent not, also to the doers, though some be more damnable then others: If I understand any thing of common language, the meaning of that phrase, a *damnable preparative* is ordinarily this, it is a preparative worthy to be condemned; and I think the Writer might think himself in no ill condition, if he had no more to repent of then the calling of that practice of the Commission such.

VINDICATION.

NOW further in answer to that first reason against the late Assembly as not free, and unlawfull, grounded upon the Commissioners Ait and Letter sent to Presbyteries; Consider in the next place, first what we touched at before, that the Ait and Letter did not require Presbyteries to presse all who were unsatisfied with the Publick Resolutions, nor yet who after Conference remained unsatisfied, and continued to oppose, to wit, in their Publick Doctrine and active practising, to the hindering of people from going forth unto, or withdrawing them from the present just and necessary defence of the Land, so that for any thing that could be imported in that Ait and Letter; yet whoever were unsatisfied in their judgements with the Publick Resolutions, but did abstain from opposition and acting against the execution of, might been chosen Commissioners to the Assembly, and many such were in the Land, who wisely and Christially considering the integrity of the Commission in the end they had before them, conceived the difference about the means resolved upon, not to be such for which they should any way hinder the present necessary defence of the Land, and sundry such Ministers

nisters were chosen Commissioners; and did sit and vote in the Assembly freely according to their judgement. 2. That the main end of the Commissioners Act and Letter sent to Presbyteries was meer tenderneſſe towards ſome men, who have given an evill requiſitall for it. The Commiſſion upon ſome prior Papers, finding ſome Presbyteries ready enough to have put ſharp cenſures upon ſome, who hath been too buſie ſticklers againſt Church and State, to ſtop them and take them off, ſent that Act and Letter for referring all their queſtions to the Generall Aſſembly; But as for pre limiting the elections, not a word more or leſſe in them. 3. Is not onely ſundry unſatisfied with the Publick Reſolutions who were not within the compaſſe of that Order for citation contained in the Letter, but alſo ſome were conſtant continuing oppoſers, who were choſen Commiſſioners to the Aſſembly. 4. There was not ſo much as one mans Commiſſion excepted againſt, let be rejected in the Aſſembly for being unſatisfied with the Publick Reſolutions; yea, on the contrary, ſundry moſt eminent oppoſers were not onely admitted to be members without any quarrell, but ſate Moderators and Clerks of Committees, ſo long as they were pleaſed to ſtay.

REVIEW.

TO theſe things I do joyn firſt, That the Author for ſtraining of the Commiſſions Act, to make it comprehensive of as few he can, confines oppoſing to Publick Preaching, and active practiſing, to the hindering of people from going forth unto, or withdrawing them from the preſent juſt and neceſſary defence of the Land; but are there no more kindes of oppoſing but theſe two? What if a man after Conference had continued to pray againſt the Publick Reſolutions, as a courſe of defection, or in private diſcourſe holden forth the ſinfulneſſe of them, or written to the Presbytery or Commiſſion that he was no more ſatisfied then at the beginning, and before the Conference, would not the Act have reached theſe, and ſuch as theſe, though they had not been Publick Preachers, or active practiſers againſt the Publick Reſolutions; we ſee not why the Author ſhould draw ſo narrow, *non diſtinguendum eſt, ubi lex non diſtinguit*: the

Act speaks indefinitely of all who after Conference remain unsatisfied, and continue to oppose, how then can he restrict it to two sorts of opposers onely, when there may be; and I know are severall other sorts. 2. Taking the Act as he expounds it, it doth at least as to these include a pre-limitation, by excluding them in the elections, and these might have been many, because there were very few who did once professe dissatisfaction with the Publick Resolutions, that by Conferences, or other means then used by Presbyteries, and Synods, came to be satisfied; yea, there were not a few; who before the elections were conferred with, and yet did still continue to oppose. 3. I desire that it may be marked, That the Author grants that there were many in the Land who were unsatisfied in their judgements with the Publick Resolutions, beside these who did oppose and Act against the execution of them; by which many, he must mean many members of Presbyteries, and such as were in a capacity to be elected Commissioners to the Generall Assembly, otherwise it were not to the purpose; it is afterwards cleared by himself, when he saith sundry such Ministers were chosen Commissioners, and sat and voted in the Assembly; and if there were many unsatisfied with the Publick Resolutions, who did abstain from opposing (as he himself asserteth) and many who did oppose, by testifying Publickly against them, as (we have proven) it seems that the number who did approve of them were not so great, and that Presbyteries and Synods were not so harmonious about them as is often given out. 4. That there is not so much as probability, let be good evidence for that which the Author asserts, that the main end of the Commissions Act and Letter sent to Presbyteries, was meer tendernesse to keep Presbyteries from censuring of some who had been too busie sticklers against Church and State: I give these probable evidences to the contrary: 1. These too busie sticklers against Church and State, by the Authors account, were very few, and in very few Presbyteries, but that Letter and Act was sent to all the Presbyteries in the Land; if it be true which the Author said before, that at that time there were four parts of five of Presbyteries that had no oppose to the Publick resolutions, there was no hazard of untender dealing there

there against too busie Ricklers, nor could that be the scope and end that the Commission did propone to themselves, in sending their Letter and Act to these. 2. Albeit I know that there were some in the Commission who did tenderly affect the opposers of Publick Resolutions, and did study to keep stroaks off them, yet to make it appear that the plurality in their actions towards these who were unsatisfied with, and did oppose the Publick Resolutions were not led with any such tender spirit, as the Author here and elsewhere hints; I shal set down some Acts and orders of the Commission which are hinted at by the Author himself, under the name of some prior Papers: 1. In a Letter written from *Perth*, Jan. 16. 1651. They gave this Order, And further we do hereby require and exhort you to take notice of them, of whatsoever place or station, who do obstruct, speak against, disswade, privately or Publickly from the present Levy, or who having a calling to speak for it, are silent therein, and to make report thereof at the next Meeting of our Commission at *St. Andrews*, Jan. 21. and in their warning from *Perth* March the 20. after they have applyed many of the Characters of the old Malignants which are set down in former Publick Papers of the Church, to these who were unsatisfied with & did oppose the Publick Resolutions, and cited sundry of the Acts made for censuring them, they close thus: Therefore for execution of the foresaid Acts of Assemblies, &c. We do in the Name of God inhibit and discharge all Ministers to Preach, and all Ministers and Professors to detract, write, or speak against the late Publick Resolutions, and Papers of the Commission of the Generall Assembly, in order to the calling forth of the people; and we do seriously recommend to Presbyteries, that with all vigilancy they take speciall notice, and tryall of such persons within their bounds, whether such as have station there, or such as in this troublesome time, have their present residence, Ministers or others, and impartially to proceed against them as they will be answerable; and least this should not be effectual enough, as being but a recommendation, though yet with a certificate, therefore at the same time, they did send this particular following order to Presbyteries. Reverend, and welbeloved Brethren, finding that notwithstanding of our faith-

faithfull Warnings, and great pains taken to satisfie all men to concur in their places, for furthering of the Leavier, for defence of Religion, King and Kingdom, and all other our dearest Interests: many are so far from concurring, that they do very vehemently go about by Preaching, Writing, and periwading to the contrary to obstruct the Work; we do therefore require you, that you carefully enquire in your Presbyteries what Ministers doth Preach, or otherwise periwade, contrary to our present Publick and published Resolutions, and that you proceed to censure such as are in your own number, and if any Ministers that travell among you, transgresse in that kind, let them not be permitted to Preach in your bounds; here is no great tenderneffe, that would not spare so much as these gracious Ministers of *Ireland*, who were driven from their stations, and forced to retire to this Land, and some other faithfull men among our selves, who were also necessitate to retire from their charges at that time; these were the travellers who could not be permitted to Preach, sundry of them being then Preaching in vacant Congregations in the West, and some in *Fife*, neither was the Commission satisfied with these things, but did also stir up the Civill Magistrate against them; as afterwards shall be made to appear from their own Warning and Remonstrances.

3. consider the thing in it self; is it tender dealing to be taken out of the hands of a Presbytery, and to be brought before the highest and most publick Judicatory of the Church; the Apostle layes weight upon being rebuked by many. Next, as the Author tells us that the end of the Commissions Act and Letter, was tenderneffe to some men, so also he tels us that there was not one word more or lesse in them for pre-limiting the elections: But what though the words be in them, yet if they do infer the thing by good and necessary consequence, is not the matter there? It is not much to the purpose, that sundry unsatisfied with the Publick Resolutions who were not within the compasse of that order for citation, and also some who were constant continuing opposers, were chosen Commissioners to the Assembly, because some such were chosen in Presbyteries, which were wholly opposite to the Publick Resolutions, and some in Presbyteries where the greater part were opposite, yet not without dissents or Protestations, or double elections. The Author doth not well to say, that no mans Com-

mission was excepted against, because of the Publick Resolutions; I told him before that the Commission of the Presbytery of *Dunkell* was excepted against upon that account, and that the Commission of the first election in *Glasgow* was not only upon that account excepted against; but after long and serious debate untill the Commissions Proceedings should be first tryed, which not only refuteth what the Author saith, but doth also prove another thing, which all along he seems to deny, to wit, that the Letter and Act of the Commission concerning citation, did import these mens being excluded from being Commissioners to the Assembly, otherwise let them render a reason, why the objecting against them, upon the Letter and Act to cite them, should have enforced the laying of them aside, untill the Commissions Proceedings should be first tryed, if the Assembly had taken it for granted, that it did not import this, they could not have admitted this as a reason to exclude them for an hour; That sundry most eminent opposers were admitted to be members without any quarrelling, and to be Moderators and Clerks of Committees, the Writer gave the reason of it to be Policy; and I shal take in consideration in its own place what the Author answereth thereunto: But suppose all this to be true, will this make a free Assembly, or Vindicate the elections from pre-limitation? The pre-limitation which is now in question is, that of the elections in Presbyteries, which would still have been a pre-limitation of the Assembly, as to its constituent members, though the Assembly had condemned it, much more was it so when they did approve and allow of it; but of the ground of this mistake I spake before.

VINDICATION.

TO the two latter particulars something may seem to be said in that latter Paper; to the former that which is upon the second branch of the third Objection, though every citation doth not exclude a man from being chosen a Commissioner, or sitting as a member in a Generall Assembly, yet we think it will not be denyed that a citation in matter of scandall, in doctrine or manners, will or ought to exclude a man from being a Commissioner, or sitting as a member in an Assembly, and such was the citation appointed by
the

the late Commissioners, viz. in matter of scandall more then ordinary (in the judgement of the Commission) both in Doctrine and manners; Besides, it is unquestionable that all citations do exclude men from being judges in the matter for which they are cited, therefore though they might have sitted in the Assembly as judges in other matters, yet not in this; Therefore it followeth, that as to this particular which was the main, if not all to be handled, the Assembly was prelimited. Answer 1. To the latter part of this reply, I profess not much skill in the matter of legall exceptions, and constitution of Judicatories: but so far as common sense and reason can lead me. It seems to me a strange assertion that some few persons having opposed themselves to a course taken by a Judicatory, intrusted with the Publick affairs of the Kirk consisting of men to that time judged faithfull, and still professing faithfulness therein, as in the sight of God, and accusing this Judicatory for that course they have taken, as guilty of defection, and destroyers of the Cause of Religion, if I say, these few men being cited to be tryed by a Generall Assembly, and consequently excluded from judging in that particular matter which is in controversie; the Assembly is in this to be judged prelimited in that matter, although there be besides these excluded a competent number of members lawfully authorized: (For such we may suppose all the rest, to be for any thing that is said in this particular that we are upon the answer of) to make up a competent Judicatory, to cognosce, and judge upon the matter in controversie, according to the rule of Gods Word, and the Constitutions of the Kirk, which they are bound by their Commissions and oaths to judge by; I desire no proof of this, for it is principall clear and evident, exterminis, and the Writers assertion is no warrand to receive it for an unquestionable truth; I doubt not, but if the Writer shall say to prove this, that he shall fall upon that same exception which the Remonstrants made against the Synod of Dort, that the most part of the Synod were their adverse party; having declared their judgement contrary to their doctrine; which was rejected as a null exception by all Orthodox Divines in that Synod.

REVIEW.

BEfore the Author come directly to speak to what is alleadged by the Writer, he seems first to answer by denying that there was any pre-limitation of the Assembly, even upon supposal that these men were by that Citation excluded from sitting Members thereof; But let us consider the Reasons of his denyall. The first is, that there were but some few persons opposing themselves to a course taken by a Judicatory intrusted with the Publick Affairs of the Church, consisting of men (till that time) judged faithfull, and still professing faithfulness therein, as in the sight of God, and accusing that Judicatory for that course they had taken, as guilty of defection, &c. although they had been but few, yet their Testimony against the proceedings of that Judicatory, as against the course of defection, notwithstanding of any thing that that Judicatory had formerly been, and was then professing, being true and clearly consonant to the doctrine and determinations of this Church, it was a pre-limitation of the Assembly, because of that Testimony to exclude them : But I have often told him, and made it to appear, that they were not few, but many. It is true, that the Commission till that time had been judged faithfull: but it is also true, that a great part of these to whom that Testimony was due, did with-draw from the Commission upon occasion of that defection, and gave open testimony against the same. And though some eminent men did abide with them, yet the plurality were such who had not been much conversant in, nor well acquainted with the Publick Affairs of the Church. The other part of his Answer is, that there were besides *these excluded*, a competent number of Members lawfully authorized (for such as he supposeth the rest to be for any thing that is said in this particular, that he is now upon the answer of) to make up a competent Judicatory, to cognosce and judge upon that matter and controversy, according to the rule of Gods Word, and the Constitution of the Kirk, which they are bound by their Commissions and oath to judge by. Yeelding all this, yet may there still be a pre-limitation, in case others no lesse in capacity to be chosen to sit as Judges, be excluded. If the Presbyteries by order of the Commission,

mission, shall exclude a great many of their Members in a capacity to be chosen from being Commissioners, though they send a competent number of others, is not the Assembly pre-limited in the election of its constituent Members, even as if the Barrons and Burghs should exclude from their Elections many of their number, in a capacity of being chosen Commissioners to the Parliament, and yet send the ordinary number of Commissioners, would not the Parliament because of this thing be pre-limited in the election of its constituent Members? But in order to that which he saith of a competent Judicatory to cognosce and judge upon the matter, according to the rules of Gods Word and Constitutions of the Kirk, and of the exceptions of the Remonstrants made against the Synod of *Dort*: I desire him to consider first, of that which is said of Mr. *David Catherwood*, a witness that deserved well of the Kirk of *Scotland*, and whom (I believe) he will not except in this matter on his nullities against *Pearth* Assembly, and in his *Treatise* against confused Communion, concerning competent Judges in a time of defection, and of what is said of the same purpose, by the reforming Party in their Publick Papers in the year 1637. & 1638. to whose judgments, I believe, the Protesters will submit in the matter of a competent Judge. Secondly, that if the exception of the Remonstrants of the Synod of *Dort* had been this, that the Members constituent of that Synod had declared their judgments not onely contrary to the doctrine of the Remonstrants, but contrary to the Word of God, and to the clear doctrine and constitution of the *Belgick Churches*, it would *in jure* have been a relevant exception, and being true *in facto*, had sustained as well against that Synod, as the like exception against the Councell of *Trent*, which is to this day counted valid by all the Protestant Divines. Thirdly, let us suppose *hac eadem via, ac modo & methodo*, that the Commission had brought in the Prelaticall or Popish Party, as they did the Malignant Party, and had by Presbyteries obeying their order thereanent, excluded all such from being Members of the Assembly as did bear testimony against them, whose number we shall also suppose to be as few as the opposers of Publick Resolutions, and the number of the other as many as these who are for them; whether would this have been a pre-limited Assembly, yea or not, and a Competent Judicatory to judge that matter

matter according to the Word of God and Constitutions of the Church? All these things being put together, make it to appear that the Writer hath brought in no such straits in the business, as the Author supposeth.

VINDICATION.

SEcondly, To the former part of the Reply, I confesse that it is probable, that a man being cited to the Generall Assembly upon a scandal in doctrine and manners where the scandal is uncontroverted, and already particularly determined quoad jus, or in point of Law, and the question is only about the fact, ought not to be chosen Commissioner to the Assembly, at least not to sit and vote untill he be tryed and judged; for I doubt, if he may not be chosen Commissioner, if there be not some probable presumptions of the fact. But if the scandal be yet controversi & indeterminati juris, controverted, and as yet not a determined case in point of Law by the doctrine of the Kirk, I see not but a man cited upon such a ground, may be chosen a Commissioner to the Assembly, and sit and vote as a Member in other matters, except that thereupon he was cited; and do remember well, that upon this very ground anno 48, upon the putting off of some from the List to be Commissioners to the Assembly, who had been referred and cited to the Assembly for silence at that time, according to the direction of the then Commission, exception was made by some, that such persons could not be chosen Commissioners, and consequently could not be upon a List. This motion was rejected by some judicious and pious, affirming indeed, that such persons could not well vote in the Assembly, until their matter was tryed, but that that reference could not hinder them to be upon a List for elections, and consequently not from being elected to be Commissioners. Now, such was the case of the Citation in hand, it was upon alleadgance of scandal, as yet controversi juris, as to any particular determination thereabouts by the publick judgment of the Kirk, and therefore both the persons cited, and those that ordained them to be cited, were to be tryed and judged by the Assembly, and for that removed in that particular, not only about the fact, but also about the matter Juris of Law. However if this please not the Writer, let him answer what he will for clearing

clearing the order of the Commission 48, and it will serve as well the order of the Commission 31. As to any illegality relating to the Constitution of the Assembly; for upon the form clearly both were alike, except in what will make for the advantage of the later, and as for the matter in both it was alike, as to the Generall Assemblies judgment at the time of the Protestation, and also in reply, which we take upon us to make good.

R E V I E W.

Albeit this be more then probable, as appears from the constant tenor of the proceedings of Assemblies in the matter of Commissioners, which was intimated by the Writer, yet I am content to take what the Author gives. He distinguishes betwixt a scandal, which as to the ground of it is *controversi juris*, & a scandall which is *determinati juris*, and makes the scandall of opposing the Publick Resolutions to have been only *controversi juris*, as to any particular determination thereof by the publick judgment of the Kirk, and thence infers, that the opposers of Publick Resolutions might have been chosen, this notwithstanding, and admitted to sit as Judges in the Assembly, though not in this particular; and I offer these particulars hereanent: First, That by the Authors own grant, they are still excluded from sitting as Judges in that particular, and therefore as to a competent Judge in this particular, which was the main, if not the all of the Assembly, the Assembly was pre-limited. Secondly, That this was not a business which was *controversi juris*, but as clearly *determinati juris* as any thing could be; I mean, that the opposing of the Publick Resolutions, was no fault, but a duty clearly determined by the Church of Scotland; I confesse, men may question any thing, even the clearest truths, but there is no case oftener or more clearly determined by this Kirk, then that of the unwarrantableness of joyning in Countel or Arms with the Malignant Party, for the defence of the Cause and Kingdome, and of the obligation that lyeth upon Ministers, especially to bear testimony against the same; and therefore a notable injury was done, and a grosse pre-limitation committed, by citing them upon that accompt. Thirdly, suppose it had not yet been *determinati juris* as to the publick judgment of the Church in an Assembly; yet as to the judgment of the Commis-

on and Presbyteries who did hear and obey them, it was *determinati juris*, and men were excluded from Elections, and cited to the Assembly there-upon, as upon a thing that was *determinati juris*: Therefore as there was thereby a pre-limitation in regard of these, who though they were chosen, yet could not sit in that particular, because of the Citation; so also in regard of others, who were thereby excluded from being chosen. 4. If this scandal was not (*Determinati juris*) by the Publick Judgment of the Church, the Author would let us know why the Commission in their Warnings at *Perth, March 20* by applying many former Acts and Remonstrances of Gen. Assemblies against it, do define it to be so: And what Warrant the Commission had by their trust from the Gen. Assembly, not only to declare the opposers of their Resolutions to be guilty of practices leading to encourage the hearts, and strengthen the hands of Enemies, in prosecuting their wicked purposes to make faint the hearts, and feeble the hands of Gods People, and to seduce their minds with devisive and separating Counsels and Principles, and thereupon, not only to require Presbyteries to censure them, but also to stir up the Civil Magistrate against them. Surely, if the Commission did all this without any Publick Judgment of the Kirk (that is of former General Assemblies defining these things to be scandal) they did as to these things act without a Commission, and without Authority, and were beyond their bounds, and led with no spirit of tenderness. The Author did a little while agoe seem to say, That the Commission had no power to cite or to censure the opposers of any Resolutions made by themselves; and yet here he tels, that these things, as to the Publick Judgement of the Kirk, were *controversi juris*: And if so, they were as yet but Resolutions of their own, and they had no power to cite or censure any, or to give Order to cite or censure any for opposing thereof. That the Publick Resolutions were *controversi*, and not *determinati juris* by the publick judgement of the Kirk: That the Commission had no power for citing or censuring any Opposing Resolutions made by themselves; That they gave Order to Presbyteries to censure and cite the opposers of Publick Resolutions, are things that I cannot reconcile. I wil not say but the Authors ingyne may find a shift, but if he extricate these things to the clear capacity of plain and ordinary understandings, is more then at present my weak eyes

eyes do see. As for that he tells us concerning the rejecting the motion of putting off of some from the List to be Commissioners, who had been referred and cited to the Assembly in the year 1648. I can say little to it, as not knowing it nor the circumstances thereof. I beleve it be an instance of a particular person in a Presbytery giving his judgment anent the listing of another, but when it is all granted it yeelds a great part of the cause, to wit, That these persons could not sit in the Assembly as Judges in that particular; And if I be not mistaken in my conjecture about the persons, I think I may say, if that judicious and pious man who rejected that motion had been in any fear that these persons would be chosen, be-like he would have holden his peace, and suffered the motion to passe uncontrolled. But the Author (if this please not the writer) desires him to answer what he will for clearing of the Order of the Commission 48. and it will serve aswell the Order of the Commission 51. as to any illegality relating to the Constitution of the Assembly; because, saith he, upon the form both clearly were alike, excepting what will make for the advantage of the latter; and as for the matter in both it was alike, as to the General Assemblies Judgment at the time of the Protestation, and also *in reipsa*, as he takes upon him to make good. It seems that it doth not please the Author himself very wel, and I think it wil please the Writer much worse, because of the things which I have mentioned, and other things as weighty which may occur to him, as to that of the 48. I have already given clear answers for the writer, or rather vindicated his own, that there was a vast difference both in the form as also in the matter; and that both, as the Assemblies judgement at the time of the Protestation (unless they were not to admit the judgment of former Assemblies in these particulars) as also *in reipsa*, and he shall but lose his labor, and not be able to make good what he undertakes.

VINDICATION.

THat which may seem to say somewhat against the other Particular (viz. That no mans Commission was rejected, nor any man chosen to be a Commissioner was refused to have vote in the Assembly upon that account, that he was unsatisfied with the Resolutions) is in the Answer to the 3. Objection, Branch 4. First,

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(beside something that hath been answered already) he saith, Policy taught the Assembly so to do: The votes of so few a number not being likely to prove so great disadvantage to the business, as the professed denying to them a vote would have done. Answer, If the Writer had used so much modesty and respect to the Assembly as to have said, That possibly Policy might have taught them to do this, or it may be probably thought it was thus, it had been somewhat tolerable: But I must say it is too much boldness thus to have said, positively, That Policy did teach them it. Good Sir, did you see into the hearts of men in the Assembly, to see this political design moving them to do this? Or can you bring a demonstration from any evidence without, that their doing of it, did arise from no other principle or motive but this? But if it be so that they did it upon a political motive and end: yet if it was so really as none was rejected or refused, to have vote upon the account of dissatisfaction, that exception is to no purpose to the point. We are upon the freedom of the Assembly, which is to be measured by the acts done about the Constitution and managing of it, considered according to the Matter of them, and not according to the Intentions and Moral Motives whereupon men does them. But the Writer does add two things further for Answer. 1. That the discussing and judging of the Commissions of these in Glasgow and Sterling, who were unsatisfied with the publick resolutions, were laid aside, because Mr. Rob. Ramsay his Protestation against the Election, taken from their Dissatisfaction, could not be discussed, until these Resolutions were either condemned, or approved, which was in effect to exclude them from voting, because of not approving the Publick Resolutions; and this is so much the stronger, considering that it was refused to lay aside the Commissions of these that carried on the Resolutions until their proceedings should be tryed and approved. Answ. 1. Besides that Mr. R. Ramsay his Protestation was not against these of Sterling at all, so that it is impertinent to say, that their Commission was laid aside because of that Protestation: And besides, that the Commissions of others contraverting with them, and pretending by as probable reasons their Commission as these, was laid aside also. It followeth not hence that they were simply excluded from voting, but suspended from voting for a time, and had not vote in that particular which might well had been without imputation of pre-limitation on the Assembly

Assembly, as hath been shewn before. 2. The Consideration added for confirmation is very inconsiderable; because the Commissions of these of Glasgow and Sterling were controverted in the very Election, and therefore their Commission could not but be laid aside until the grounds of the Controversie should be discussed, that it might be seen whether they were orderly elected, or not; but these others had their Commission by Elections orderly and uncontroversed in the Presbyteries that sent them; yet neither were they to have vote in the matter of the Resolutions. What is said from the Exception made against their Admission to vote at all, given in to the Assembly, shall be answered afterwards. Secondly (aith he) it is to be considered, That the Assembly did sustain & approve the Letter and Act of the Commission for citing such as were unsatisfied, which was a real excluding of all these upon their dissatisfaction, at least from being Judges in that particular. Answ. 1. The Writer doth here, as all along this Paper, bear his Reader in hand, that the Commission hath given order for citing such as were unsatisfied indefinitely, which is contrary to the truth; for only such (as all means used, do continue in opposing) were to be cited, as is evident by the Act and Letter. 2. It is true, after tryal and examination of the Commissions proceedings, they did approve that Act and Letter: But did not the Assembly, 48. do the same in relation to the Letter and Act of that then Commission of the like nature? But yet further, Did not all Commissioners from Presbyteries, who were unsatisfied (excepting such only whose Commissions were controverted in the very Election) were yet undiscussed, and were pleased to stay in the Assembly, sit and vote in that same very particular; I mean the Resolutions of the Commission, how then could they be really excluded from being Judges in that particular wherein they really did sit Judges; or were any of them excluded after the Act and Letter was approved? If it be said, That the approving of that Act and Letter did import, that they ought in the judgment of the Assembly to have been excluded. I answer, 1. Yet though this may say somewhat, that the Assemblies determination in this point doth not agree well with that preceding fact in admitting such Members to judge in that particular, yet it saith nothing to the point in hand, seeing those Members of whom we speak did really and actually without any Letter or exception made against them Judge, not only in other matters, but

also in that very particular. Thus much in answer to the first Reason against the late Assembly, and what is brought in that Paper for confirming and upholding of it: If it have any force Malignants may think themselves obliged to the Protesters for reaching them, if ever they shall have power again, how to call in question and condemn their Assembly 48. yea, and if they find it make for their purpose, even other Assemblies too, even that Solemn Assembly 38. as unfree and unlawful, because of pre-limitation in the election of Commissioners.

R E V I E W.

THe Author here passing by a great and material part of the Writers Answer, to wit, That albeit all that were true, yet it doth not make void what is said for prelimiting the Elections by the Letter and Act of the Commission, because these were prelimited in Presbyteries, by barring sundry from being chosen, who otherwise were in a capacity to be chosen, falleth upon sharp censuring of him, for saying, That Policy taught the Assembly so to do. But I conceive that though the writer did not see into the hearts of men in the Assembly, yet he had reason thus to speak, because their admitting some of them to sit, was not consonant nor homogenous neither to the Letter and Act for citing of them, which by the Authors own grant did infer the barring of them from sitting til their matters should be tryed; nor yet to the Assemblies approving of the Letter and Act which did exclude them, which the Author also confesses; it was either great policy, or great simplicity that did lead them in so contrary and discordant parts; But as the Author elf-where speaks, they were no children; neither was it so really that none were rejected or refused to have vote upon the account of dissatisfaction, because as some of them were rejected *de facto*, to wit, the Commissioners of the first Election in *Glasgow*; so all of them were rejected *de jure* as we shall hear anon. It could not but flow from some strange principle, and be matter of wonder to the beholders, That at the same time, in the same Judicatory, some should be standing at the Bar, as *rei*, and cited to be tryed and judged, and others no less guilty of the same Crime should be admitted to sit upon the Bench as Judges of that very particular. I believe the Author shal not find many presidents nor paralels of such a pra-

a practice as this in any well constitute and rightly proceeding Judicatory Civil or Ecclesiastick; so that measuring the freedom of the Assembly by the Acts done about the constitution and managing of it, according to the matter of it, and not according to the intentions or moral motives upon which men did them: There is still reason to say, that it was not free, notwithstanding that some were admitted to sit and vote, who were unsatisfied with, and opposit to the publick resolutions. As to that which he sayeth in Answer to the other two particulars: To the first of them I desire it to be considered. 1. That the impertinency is on his own side, when he saith, that Mr. Rob. Ramsay his Protestation was not against these of *Sterling* at all; because the Writer did not at all say in writ that it was so, or that the Commission of *Sterling* was laid aside, because of that Protestation; if he found it so written in any Copy, it had favoured a little more of charity to impute to the inadvertence of the Transcriber, seeing no man belike of common sense would bring in Mr. Rob. Ramsay a Member of another Presbytery, and in another Province, protesting against the Election of *Sterling*. 2. Not to fall on the debate of the laying of the other Commissions aside, which were controverted with them, not upon the probableness, nor improbableness of the reasons they pretended, as not belonging much to the business which we are now upon. The Author doth yeeld much of the cause when he saith, It followes not hence that they were simply excluded from voting, but suspended from voting for a time, and had not vote in that particular; because he yeelds these two things: 1. That they had not, nor were not to have (*de jure*) any vote at all in the particular of the Publick Resolutions. 2. That (*de facto*) they had not, nor were not to have a vote in any particular till that exception should be discussed, and so are they excluded for a long time, and from many particulars. But when the exception is discussed and sustained, are they not wholly excluded, both *de jure*, and *de facto*, and cannot at all be admitted, unless we will bring in the Assembly going over the belly of what she hath presently found just and reasonable; neither is it so inconsiderable as the Author would make it, which is added by the Writer for Confirmation, but is very considerable to evince the pre-limiting of the Assembly. That which was added is this, and this is so much the stronger, if we shall consider that it was refused to lay aside the Commissions

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of these who had carried on these Resolutions in the Commission of the Assembly, until their proceedings should be tryed and approved. To which the Authors Answer is, That it is not considerable, because the Commission of the one was controverted in the Election, but so was not the other; and because they were not to have vote in the matter of the Resolutions; but this doth not at all loose the difficulty. One of the grounds upon which the Commission of the one was controverted in the Elections, was, because the persons elected were opposers of the Publick Resolutions, and that ground aswell as others, did to themwards sustain as a relevant exception *in jure* to keep them from sitting and voting in the Assembly, not only in that, but also in any particular else, until it should be discussed; yea, some of the Commissioners were suspended from having a vote in any thing till that should be discussed, meerly and allenerly upon that ground, to wit, That Brother who was nominated in both the Elections; Now was not to be the Author or Abetter of the Publick Resolutions, involving a course of defection, being objected at the down-fitting of the Assembly, an exception as relevant *in jure* to bar those who were chosen by their Presbytery, without any controversie in the Presbytery it self, from sitting and voting in the Assembly in any particular until that Exception should be tryed as the other was, though objected in the Presbytery at the time of the Election. Let us take the Authors ground (to wit) That the matter was *controversi*, and not *determinari jure*, and let him or any man else vindicate it from partiality and pre-limitation, that exceptions being propounded *hinc inde*, he who carries on Publick Resolutions shall be admitted to sit in all other particulars, except in the trying and judging of these, and he who opposes them shall be suspended from sitting in any particular til these be tryed and Judged. On what he saith to the second particular I offer, &c. That the Writer doth not all along this Paper bear his Reader in hand (as the Author alleadges) that the Commission had given order for citing such as were unsatisfied indefinitely, because the very first time that he mentions the Letter and Act of the Commission he saith, That it was a Letter and Act appointing, That such as after conference should remain unsatisfied with, and continue to oppose the Publick Resolutions, should be cited; and having thus once set down the true nature and extent of it, it was needless as often as he spake of it to repeat the same words

words, and was enough *qualicumq; modo* to circumscribe it; therefore the Author doth more harm to himself then the Writer, when he taxeth him as speaking contrary to the truth in this. 2. That it helps him not to say, That as the Assembly 51. did ratify the Letter and Act of the Commission, so also did the Assembly 48. because of the many differences already established betwixt the one and the other. To which I shall now add this as to the point of Ratification, That the Act and Letter 48. was not controverted by any, nor any Elections because of it, nor any Exception proponed thereupon against the freedom of the Assembly; nor indeed well could be, it being clothed with such circumstances as we have formerly spoken of, which needs not now to be repeated; but in 51. it was controverted, and Elections therupon were questioned, and Exceptions thereupon proponed against the freedom of the General Assembly, which were rejected, notwithstanding of contrary circumstances wherewith the Letter and Act were clothed. 3. That the Author by yeelding, that the Assemblies approving of the Letter and Act of the Commission (which he is necessitate to yeeld because it was so) doth import, that notwithstanding Opposers did sit, yet they ought in the Judgment of the Assembly to have been excluded: puts himself to the disadvantage many waies. 1. Because the Assemblies approving *simul & semel* all the Acts, Warnings, Declarations and Remonstrances of the Commission against Opposers of the Publick Resolutions, did not only judge, that such by that Letter and Act ought *ab initio* to have been debarred from sitting in the Assembly in that particular, but also in all other particulars, yea not at all to have been chosen. 2. This goes far to nullify the Assembly another way, because it acknowledges that *de facto* they allowed many scandalous men to sit as Members thereof, who *de jure* and by a Law approved of themselves, ought to have been removed. 3. It holds forth a grosse contradiction betwixt the Assemblies Principle and their Practice, and so makes more then probable what the Writer said for admitting some to sit upon Policy and designs. 4. It holds forth a great solicism in the matter of Justice; that is; *Socij criminis*, to sit as Judges to give sentence on their complices, to wit, other opposers of the Publick Resolutions, who were cited, and now standing as *rei* before the General Assembly. All these things which the Author hath brought in Answer to the first Reason against the late Assembly

Assembly, and what is set down for confirming and upholding of it in the other Paper, being now fully discussed, I leave it to the Reader to judge, whether that Reason of the Protestation doth not still stand strong against the freedom and lawfulness of that Assembly, and how little cause he hath to say, That if it have any force, Malignants may think themselves obliged to the Protesters for teaching them, if ever they shall have power again, how to call in question and condemn the Assembly 1648. yes, and if they find it move for their purpose, even other Assemblies too, even that solemn Assembly 1638. as unfree and unlawful, because of the prelimitation of Election of Commissioners thereto. The Malignants are in themselves prone enough to evil inventions though they be not taught them by others, but I beleave (themselves being Judges) they had rather, as to the matter of constitution of Assemblies, and the interpretation of their Acts, be Disciples to the Authors and Abettors of the Publick Resolutions then to the Protesters; for they have there in a little time learned the way how (notwithstanding of all former Acts excluding them) to be admitted to all the privileges of the Church, and to be employed both in the Army and Judicatories, and by complying with the Commission to get an Assembly after their own mind for ratifying and approving all these things which would never have been taught unto them by the Protesters, who studies to hold fast the Acts of Assemblies in reference to Malignants in the genuine and literal sense and meaning thereof, and to prevent and oppose all corrupt constitutions of Assemblies, and that they may be composed of such as do adhere to former Principles, which being attained, there is no cause to fear that Malignants shall easily ranverse either the Assembly 48. or the Assembly 38. or any other *lawful free General Assembly* of this Church. I shal close this whol busines anent the pre-limiting of the Elections, and the excluding of those who opposed the Publick Resolutions, with one sentence of the Britane Divines in the Synod of Dort, who in answer to the Protestation of the Remonstrants speak thus, *Quæ ratio reddi potest cur suffragiorum Jure priventur omnes illi Pastores, qui ex officio receptam Ecclesia Doctrinam propugnantes, secus docentibus adversati sunt, si hoc obinere nova dogmata spargentibus nemo obfisteret ne ipso facto jus omne post modum de illis controversiis judicandi amitteret.*

VINDICATION.

VE go on now to the second in order of the Protestation, which is this; Because of the absence of Commissioners of many Burghs, as wanting free accessse because of the motions of the Enemy, in the order of the late Paper, wherein other reasons are added to these in the Protestation, this is set down in the 5. place and is cast in

With some addition to the matter, because as first proponed it hath not seemed fast enough thus: That cannot be a free Assembly, to which there is no free access and recess, but there was no free accessse to the Assembly by reason of two Armies interjacent between the place of the meeting and the dwelling of many of the Commissioners, and being pursuing one another very heilely, having their parties comming abroad every where at the time they should had come to the Assembly, and therefore many were absent about the one halfe of the Burghs, many Presbyteries to the number of 9. or 10. neither was there free recess from it, not onely because of the former reason, but because the King and Committee of Estates did detain and keep under a kind of confinement, severall numbers thereof, at their returning to their own homes, having nothing, nor alleadging any thing to challenge them for, but their carriage at the Assembly. Answer, I must profess ingenuously, When at first I did read the Protestation, I Wondred much how men, especially Ministers of the Gospell, making so solemn and high profession and attestation as they do in this Protestation, viz. That they made one of the grounds contained therein, as being desirous to be faithfull in the day of tentation, and to exoner their consciences as in the sight of the LORD, could alleadg this as ground to disclaim the late Assembly, as not a free and lawfull Assembly of this Kirk. I confess my Wondring is not a whit abated, but increased by this second propounding Argumentation of it. For first, As to the proposall of it in the Protestation, suppose that a good many Commissioners of Broughs and Presbyteries had been absent then: this might have been alleadged with some appearance of reason to shew that the Assembly was not so full in partibus integralibus, so numerous as could have been wishea, yet with no colour could it be alleadged, that it was not free, legal essential requisit for the constitution therof, unless it could be demonstrated
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either that their absence was for want of timous advertisement concerning the time and place of it, which cannot be allenged (the time being known by the preceding Assembly, and advertisement concerning the place having been given timously by the Commission) or that there was some appearance that some in the Assembly might have been inclined to act favourably for the enemy, or that the enemy might have some influence on the Assembly to corrupt or pervert it, which I conceive the Protestors wil not say. I know that the absence of many Commissioners is alleadged as one ground annulling this pretended Assembly condemned at Glasg^w 38. but it is as wel known that the absence of Commissioners was caused by untimous indiction and advertisement or some other internal cause, having influence upon the corruption of this Assembly. 2. It had been requisit the Writer of the last Paper had cond^scended namely upon these 9. or 10. Presbyteries absent; which had he done, I doubt but it would have been found that some of them were absent, because they had none to send, or were not Presbyteries existing at all at that time, as Orkney and Caithness. 2. It should be found that some of these Commissioners of Presbyteries came within short space to the place where the Assembly was sitting, and would not come forward to it, as for instance these of Hambleton. 3. Commissioners came to the Assembly, between whom and the place of the Assembly the Armies were as interjacent, as to those that came not; for did not Commissioners from Presbyteries of Merle and Tevidale, Galloway, Glasgow, West Country; yea, the Commissioners of the Presbyteries of farthest parts off lying that way were present, and that others came not it may seem to have proceeded out of negligence, rather then from a necessity: Why then should the Assembly be counted null, for the absence of such; it is known that Commissioners came not from Burghs, and yet Ministers came out of these same Burghs. So, if because of the absence of some Commissioners, for fear of the motions of the Enemy, or because of lying of Armies through the Countrey, the late Assembly be judged unfree and unlawfull; Then, by as good reason must the Assembly in the time of James Graham his reigning and raging through the Countrey, be holden unfree; for as many, if not moe Commissioners were upon that occasion absent from the same Assembly; then see here again how good friends our Brethren proves to the former Assembly, by devising arguments against the late Assembly, whereby

by they plainly teach Malignants who were censured by this Assembly, how to cast them as nui upon grounds of conscience. Sixthly, let the Rolls of this Assembly, be compared With the Rolls of former unquestioned Assemblies, and it shall be found to have been more numerous and full, then sundries of them; yea, We know, that at the Assembly of Aberdeen 1650. there were but about twenty persons present, which notwithstanding is owned by the Kirk of Scotland as a free and lawfull Generall Assembly, and it cannot be said, that any such excuse as this was made in that Assembly for the absence of any, and granting that the motions of the Enemy had hindered some, yet here being so inconsiderable a number in comparison of this Assembly, these Who were convened, should not, nor could not lawfully be holden an Assembly, and gone about their duties. Seventhly, as for What was said about the want of freedom of recess, the first part is certain and clear in common sense, that if any Assembly may sit, or do sit out its time, and conclude freely, though there be danger to the Members in their recess, this cannot in any way reflect upon the constitution of the Assembly, how many Members of the Assembly in James Grahames time Were there that had not safe recess to their own homes. For the other part of these Members spoken of here, had protested against, and declined the Assembly, and deserted (which the Writer wisely passes in silence, and saies only they Were returning to their own homes: as if forsooth the Assembly had been closed, or that they had taken fair leave before the close) And might not the King and the Committee do all this? They say unto them, until they had been informed upon what ground they had come away so unanimously Without any imputation to the freedom and lawfulness of the Assembly: Did not the Commissioners of the States at the Assembly of Dort when the Remonstrants proceeded against, and declined that Synod, presently confined and charged them to bide within that City until they should answer unto the Assembly, Without any imputation to the freedom of that Assembly. But again, the truth is this, upon the Protesters deserting of the Assembly, and going through the Army towards the West, the report was, That they had made a broil in the Assembly, and Were come to trouble the Army, and hinder the Levies appointed in the said places, whither they Were going: hereupon the King and the Committee required some to keep their Chambers til their carriage in the Assembly might be known. But

so soon as the Assembly heard of this, they dispatched unto the King, who presently sent them all to their own homes, excepting that they did require such of them as were cited to the Assembly to return to it, and answer for themselves (which yet I cannot say, was certainly done) without one cross word given to them. These things being considered, impartial judicial Readers will acknowledge that there hath not bin much ingenuity or conscience either in alleadging this reason for annulling the late Assembly, and cannot but think the alleaders themselves wil blush that here have propounded it for justifying their own protesting, and hold it forth to others to induce them to joyn with them as a ground of conscience whereof they could not but exoner their conscience.

REVIEW.

THe Author ushers in and closes his Answer to this reason with a great deal of wondering, and many exclamations against the want of ingenuity and conscience in the Protesters, because of alleadging this reason against the freedom and lawfulness of the Assembly; and he is so confident as to think, when his Answers are considered, not onely will his Readers be of one minde with him in this, but that the Protesters themselves will blush that they have proponed it: We have a proverb, That great words flyeth bairns; and so we may also say, Great words perswades women and children, but men of reason and understanding will ponder what is said. Albeit the Protesters did not lay all, nor most of the weight of their Protestation against the Assembly upon this, yet they did ingenuously and conscientiously conceive, that there was weight in it, and do think so still, notwithstanding of all the Authors great words: I wish he had taken the Propositions of the Arguments as they lay, and answered them severally and distinctly; he doth not (so far as my weak discerning can reach) tell us his mind plainly and directly, either of the first or second Proposition of the Argument, but speaks directly onely to these things that are brought by the Writer, for confirmation of the second Proposition; and to that part of the first Proposition that relates to freedom of recess; I shall first speak a litle to the first Proposition of the Argument, and then to the application of it. The *medium* is none of the Protesters inventing, but hath
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been generally received and made use of by Divines, to prove the unfreedom of Councels where there was truth in it; as to the matter of fact, as appears first from the learned Review of the Councell of *Trent*, in which this Argument is cleared and confirmed at large. Secondly, In the Book intituled *Adversus Synodum Tridentinam restitutionem seu continuationem* a Pío Quarto Pontifice inditum opposita gravamina quibus causa necessaria & gravissima exponuntur; quare ea Electoribus caterisque Imperii Principibus & Ordinibus Augustanae Confessionis neque agnoscenda neque adenda fuerit. Which Book I do the rather cite, because it doth contain the joynt judgment of many choise and famous Divines and Lawyers of that time. Whoso shall be pleased to look either upon the Review of the Councell of *Trent*, or upon these *gravamina*, as they are cleared and confirmed by these Divines and Lawyers, shall find this Argument cleared and confirmed at large, and so much said of it, as would be tedious to transcribe. Thirdly, the Divines of *Breme* in the Councell of *Dort* answering to the Protestation of the Remonstrance, think it not enough to say, *nulla hic vel insidia struuntur, vel ullum periculum intenditur*; but also adds, *Quinimo securitas publica omnibus ad accessum commorationem & recessum profatur*. As to the Assumption, I shall onely adde to what is said in the Protestation and the other Paper for verifing of it; That severall Presbyteries, because of the tumults of these times, could not meet within their own bounds to choise Commissioners, but made their Elections in places far remote, as these of the Presbyteries of *Edinburgh* and *Haddingtoun*. Secondly, That many Ministers thought it not safe to stay with their own flocks, and therefore retired Northwards, some to one place, some to another. Thirdly, None could at that time travell safely on the South-side of Forth without a Pass from the English, which was not easie to be purchased, and could not be taken without suspicion; and therefore though sundry did hazard to steal through, yet some were taken prisoners and sent back, as sundry Ministers in the Presbyterie of *Lithgow*. 4. To say nothing of these many reproches that were cast upon, & many threatnings that were used against sundry of the opposers of Publick Resolutions, by the Souldiours in their journey to *St. Andrews*, and in the place, and in their returning from it, all of them were before that time declared Enemies both to Church

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and Kingdome, and Laws made by the Parliament, and Acts issued by the Commission to proceed against them with punishments and censures; and doth not the Author in this his Vindication tell us, that therefore the Clerks Papers which he sent to the Assembly, were not read, least they should have inferred hazard and danger to him; if then he had been there personally, and spoken the same things in the Assembly that he wrote unto it, which no doubt if he had been present, he would have thought himself bound in Conscience to do, he could not have done it with safety, and yet these were things relating to the Publick Resolutions. All these things being put together, do make it to appear, that access to the Assembly was not safe, but full of hazard and danger. But I come to the Author his Answers, and in order thereto, desire it to be considered: First, That as the want of integrant parts sometimes may be so great, that it doth destroy the very being of the body; so, when a considerable number of integrant parts are wanting, it renders the body weak in its functions and operations, and draws along with it many other inconveniences. I doubt not but the Author will grant, that the number of Commissioners coming to an Assembly, may be so few, that they cannot make a lawfull and free Assembly; as upon the other side I shall willingly yeeld, that it is not every want of Members constituent, that makes an unfree or unlawful Assembly, if either the one or the other should be denied: As two or three Commissioners might make an Assembly, so the want of two or three might unmake it. I think he will also grant that when many Commissioners are absent, especially not negligently, but upon relevant causes that it is not fit to adjourn it till another time, then to proceed to constitute themselves or act as an Assembly. So our VVorthy Reformers adjourned the Assembly 1568. from Decemb. 25. to Feb. 25. because many were absent by reason of the troubles of the time: and upon the same ground the Assembly 1569. was adjourned from February to March, from *Sterling* to *Edenburgh*. And if the Meeting at *S. Andrews* had been pleased to read and condescend unto the Supplication that was offered to them under the Hands of many Brethren for an adjournment before their Constitution, there had been no cause for these Debates. 2. It seems to be yeelded by the Author, that wher it can be demonstrated that a good many Commissioners are absent, for want of timely advertisement, concerning the time and place of the Assembly,

Assembly, there is cause upon that ground to except against the Assembly as not free and lawful. And the Assembly at *Glasgow* did put it above question for annulling the pretended Assembly at *Lithgo* 1656 & that at *Aberdeen* 1656. And is it not equivalent to this, if by reason of external force Presbyteries after advertisement given unto them cannot meet and chuse their Commissioners, or if those who are chosen cannot come because of force keeping them back, What is the cause why undue advertisement of many Presbyteries and Burghes makes a nul Assembly? Is it not because many of these who are in a capacity to send Commissioners, are by an invincible impediment kept back from doing of it; and hath not this also place in the other case? If Presbyteries neglect to chuse Commissioners, or if they being chosen shall neglect to come, that alters the case and puts the fault wholly upon them who neglect their duty, but if they be kept back by violence from whome it is equal to their not being advertised at all, or their not being timely advertised; or if they cannot chuse, or being chosen cannot come, to what purpose is the advertisement, or how can it put them in a worse case then if they had not been advertised, or not timely advertised. Though the Presbyteries of *Orkney* and *Caithness* be deduced, and others too which are wanting and have no Commissioners to send: yet if the Author shall be pleased to consult the Rolls of the Assembly, it haply may be still found that nine or ten Presbyteries were absent, and thirty Burroughs if not above: for these of *Hamelton* who came afterwards to the place where the Assembly was sitting, and would not come forward, as they came thither with hazard and difficulty, so did they not think it a duty to come forward, being convinced of the nullity of the Assembly, which made them send their testimony against it; It is true that Commissioners came to the Assembly, betwixt whom and the place of the Assembly the Armies were interjacent, and from severall parts befouth *Forib*; but it is as true, that some coming from these places were taken prisoners, and that others offered not to come from home as being hopelesse to passe thorough the danger, being so apparent and real, which it seems the Author hath been somewhat convinced of, when he speaks so mincingly as to say that it might have seemed to have proceeded of negligence, rather then of a y necessity: He tells us that Commissioners came not from Burghes, and yet Ministers came from the same Burghs, but that proves not that there was free access to

to the Commissioners of Burghs who stayed away; to say nothing that there was few Burghs whose Commissioners were absent, whose Ministers were Commissioners and came to the Assembly; I know not any Assembly so impeded and indangered in *J. A. Graham's* time; there was no Assembly that sate from the time of his invading the Land by the *Irish* till the time of his defeat except one, and that sate in *Jan.* at which time he was not reigning or raging thorough much of the Country, but was forced to keep himself in the Highlands, and in the places of the Country lesse inhabited, whence few Commissioners were come: If the Author prove it, by bringing forth the Rolls of both Assemblies, that as many were absent from that Assembly if not more, then it shall appear that he had just cause so to assert; but until that time he will give us leave to suspend our assent to the truth of this. He will stil have the Protesters to be unfriends to former Assemblies, and to be teachers of Malignants how to cast them as null upon grounds of Conscience; but the Protesters do disclaim them for Scollers, and so do they the Protesters for masters or teachers; and as there is nothing taught by the Protesters that can give them any just ground upon which to quarrell or cast the censures of that Assembly, so were it superfluous for them now to be at the pains to learn it, seeing the Authors and abbettors of the Publick Resolutions hath eased them of the pain of this censure already, albeit the Rolls of this Assembly were more numerous then the Roll of some unquestionable Assemblies that would not much help him, because absents from this Assembly in many was not voluntary, but by want of free access, but so doth it not appear to have been in other Assemblies, and whatever the Author talks of the Roll of this Assembly; yet I believe before they come to the ratifying of the Publick Resolutions which was their great businesse, they were but a thin Meeting; many of their number having left them, some out of discontent and dissatisfaction with their proceedings, and others fearing to be surprized by parties of the *English*: As to the Assembly at *Aberdeen*, in which there was but twenty persons present, which notwithstanding is owned by the Church of *Scotland* as a free and lawfull Generall Assembly; it is so owned as that these who met being lawfully Commissionated from their Presbyteries, and having met at the time and place appointed for holding the Assembly, are accounted sufficient to adjourn the Assembly, and to pre-
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serve and vindicate the Liberties of the Church against the encroachments that then were made upon them by the King and his Commissioners: So I believe the Author will not say that these twenty could have proceeded to make Acts of Generall concernment to the whole Church of *Scotland*, or that if they had so done, these acts would have been authoritative & binding. What the Writer speaks of want of freedom, in regard of recess is not upon any emergent after the down-sitting or close of the Assembly, but upon causes known at the time when the Commissioners should have come from home, and therefore he doth not urge it as a relevant Argument apart by itself, but joynes it with the want of freedom of access, and it is very agreeable to common sense for men to think that Assembly not free, to which there is no freedom in coming to exoner their Consciences; nor any freedom in going after they have done it. He justifies the confinement of the Ministers of *Sterline*. In this particular at *Sterline* 1. He challengeth the Writers passing in silence, these Ministers Protesting against the Assembly, but though the Author think this wisdom yet I hardly believe that the Writer did it upon deliberation, the thing being to manifestly known, there was no need to mention it; The Author asks the question, whether the King might not have confined these men, without any imputation to the freedom of the Assembly, untill he had been informed upon what ground they came away so untimely. It seems that as the case was circumstantial, it could not well be done without an imputation of the freedom of the Assembly; may the King and Committee confine every one who comes away untimely, untill they be informed upon what ground they come away, *illud possumus quod jure possumus*: But where is there such law, for censuring these by confinement that come away untimely from the Assembly; but it seems they were informed of the cause of their coming away, otherwise his instance of the Commissioners of the Estates at the Assembly of *Dort*, their confining of the Remonstrants, and charging them to bide within the City till they should answer to the Assembly, after they had Protested against, and declined the same, will not make much to the purpose to justify the confinement at *Sterline*, because that at *Dort* was not but upon certain knowledge and information of the fact, and if the King or Committee did know that these Ministers had Protested, how doth the Author insinuate that it was done untill they should

learn upon what ground these Ministers came away, or whence had they their information, he tells us the truth is this: Upon the Protesters deserting the Assembly, and going thorough the Army towards the West, the report was, that they had made a broil in the Assembly, and were come to trouble the Army, and hinder the Leavy in these places whether they were going: But to say nothing that he either wisely or carelessly passes over this, that they were going to their own homes, they having their charges and stations in the West: will be an answerable to his Readers, that what he hath told in this is truth, and nakedly told; I doubt he can, and that it be but a devised fancy, the very tearmes whereof seems to discover the vanity of it, and that he had told more of the truth, if he had said the information came from the place where the Assembly sat, and from persons who had an overweying hand in it; I shal not contradict in what he saith: That so soon as the Assembly heard of this they dispatched to the King, who presently sent them to their own homes, excepting that they had required such of them as had deserted the Assembly to return to it, and answer for themselves; which yet he cannot say was certainly done, till he may inform himself about it; I wil tell him somewhat in this particular that was certainly done, that I doubt he will be able to Vindicate from being some imputation upon the freedom of the Assembly, to wit, that whenn these Ministers were thus confined at *Sterline*, the Assembly did cite several of them to compear before them at *Dundee*, and that notwithstanding that their confinement was not taken off, till the very day of their appearance; and that there was 40. miles distance between the place of their confinement, and the place where the Assembly sat; yet that same day did the Assembly, to whom (by the Authors own confession) their confinement was known, proceed against them, and sentence them, some with deposition, and others with suspension from their Ministry; he may remember that they were cited to the day of being Tuesday; the same day did the King and his Army depart from *Sterline*, and not till a little before his departure did he take off that confinement as can be testified by many witnesses; as to the Authors instance of the Commissioners of the Estates confining the Remonstrants at *Dort*, it doth not meet with the present case. First, because to say nothing that the Remonstrants of *Dort* had Protested against, and declined a lawfull Assembly, which the Protesters at *St. Andrews* had

had not done; neither yet to say any thing, that I can finde no such confinement in charge as the Author speaks of, put upon the Remonstrants in the Printed Records of that Synod; these Commissioners had certain knowledge and information of the matter of fact, but so had not the King and Committee of Estates. Secondly, because the Protestation and declinature at *Dort* was now judged, and found ir-relevant, and the Commissioners themselves being present, but not so in the other.

VINDICATION.

THe third Reason according to the order of the Protestation, and secondly in the order of the late Paper is this in summe: that the late Assembly cannot be counted a free lawfull Generall Assembly, because relevant exceptions being timeously proponed and offered to be instructed and verified against many of the members thereof; viz. Such of the late Commission as had hand in the Publick Resolutions, that they should not be permitted to sit and Vote in the Assembly, as being under a scandal, and guilty of promoting a course of defection, and untill such time as they should be tryed, yet it was refused to take any such exceptions into consideration, untill they should be tryed and discussed. For clearing & confirming this argument, the Writer undertakes upon him to shew 3 things: 1. That it was a thing incumbent in duty to the Assembly to have removed from their Meeting all persons under scandal (though some being known to them) untill they were purged thereof. 2. That the persons objected against were under such scandal as is allowed, for the former he alleageth first: That it is without controversy, and next he brings four things for the proof of it. 1. The light of nature, and the Word of God, but names not one passage of it. 2. Some clauses of both Covenants, the desires of the Commission 48 & of the solemn engagement that same year; & all the Remonstrances for purging of the Armies and Judicatories, even the late Papers given by this same Commission to the Parliament at Sterline, about the Act of Classes, for removing of scandalous persons from being members of the Judicatories (It is good that the Writer yet even in this heat against the Commission finds something right in their Papers, but he tells not all the truth that he might have done here, in their Papers they held forth not onely scandalous, but positively

positively all such as were not qualified should be debarred from being members of Judicatories, 3. A rule and order set down in the Assembly 1562. to be found also in the Assembly 1575. 1580. 1581. and exactly kept for above 20. Assemblies, and 20. years to order; viz. at the entry of every Assembly: The first work is to be about purging the members thereof, and other men appointed be charged to declare their consciences, touching their Doctrine and life, and execution of their Office, if therein they be scandalous; and it is appointed, that any to whose charge any thing is laid ought to be removed out of the Assembly, until his cause be tryed, and if he be convicted he can have no vote until the Kirk find satisfaction. 4. That all the Assemblies since the late Reformation began 38. have upon the objection of scandal against any of the members in the time of the confiscation of the Meeting, removed the members until it was tryed and discussed; yet in this same Meeting at St. Andrews upon the objection that the scandal of Bakers, and other accessions to the unlawful engagement was not sufficiently urged by notification and approbation of their repentance in the Assembly, they were removed from being members, and the Writer magno animo bids any man in the world bring a reason why some upon such exceptions have been removed, and others against whom were as relevant exceptions admitted; for the other particular that the persons objected against were under a scandal of carrying on a course of defection, he saith that it is manifest, not onely from common report, the first whereof is made Deut, 13. 12. A ground of search; and the other a ground of proceeding against the incestuous person: 1 Cor. 5. we may see by this what doom the late Commissioners likely might have gotten, had the Writer of this Paper been judge. excommunication summary from this Church, and destruction by the sword from the Civil Magistrate, such considering the crime he charges on them, and the place cited is not onely hinted at (but blessed be GOD that so ill-willed a Cow had so short horns) But also from those four. 1. The stumbling and sad complaints of the godly against their Proceedings. 2. The testimonies and Letters of many Presbyteries bearing their stumbling and dissatisfaction with the same. 3. The clear standing Acts, Remonstrances and Declarations of former Assemblies, unto which these were diametrically opposite. 4. The testimony of sundry Brethren in the Assembly offering to prove it.

BEfore I come to the discussing of the Authors Answers to this reason, I cannot but take notice of a few interludes of his in repeating of these things which the Writer brings in for clearing and confirming of it: First, these words of his *for the former*, he alleadges first, that it is without controversie; and next he brings four things for the proof of it, the light of Nature, and the Word of God, but names not one passage of it. The Writer said not, that it was without controversie; but his words be these; *albeit (as we conceive) no great controversie will be about it*: And although he had said, that it is without controversie, was it a fault to bring something for strengthening assent to the truth of it. That he named no passage of the Word of God was, because he took it to be *lippis & tensoribus notum* amongst Christians, that an Elder should be blamelesse, and of good report. A second is, That it is good that the writer, yea, even in this heat of disputation, finds something right in the Commissioners Papers, but that he tells not all the truth. The Writer desires not at any time to be so hot against the Commission, as not to acknowledge and commend what is right in their Papers and actions; and why should it be made a matter of challenge against him, that he tells not all the truth, seeing he had not to do with any more then he tells; his point was to tell, that the persons under scandal, ought to be removed from the Assembly, and not the positive qualifications to be required in these who are to be admitted to sit as Members. If the Author think that that can contribute any thing either for strengthening what the Writer intends to prove, or for clearing of the Commission, he doth well allow it to be told. Thirdly, These words of his, The Writer *magno hiatu* bids any man in the world bring a reason: his *magno hiatu* are not words very bebecoming that sobernesse and gravity that becomes a man of his place and parts, he may remember that he useth the like expressions himself; all the world saith he in a certain place of his Vindication shall not be able to clear this from usurpation; and is there not need of as wide a mouth for the one of these as for the other. But that which is most observable, is the strange inference which he drawes from the Writer, citing *Dent. 13. 12.* to prove that common report is made a ground of search: *1. Cor. 5.* to prove that it is made a ground of proceedings, we may see by this what
doom

doom the late Commiss. likely might have gotten, had the Writer, of this been Judge, Excommunication summarily from this Church and destruction by the Sword from the Civill Magistrate; considering the crime he charges on them, and the place cited is not onely hinted at, (but blessed be God that so ill-willed a Cow had so short horns) but also from the 2:2 *hoss.* 3. 11. The Author told us above, that he is not given to be jealous, but this savours too too much of jealousie, and of the want of Charity, which thinketh not evil. I would faine know from what Topick he wil (from all that the Writer hath said) frame a probable argument, that it is like, that if the Writer were Judge, the Commissioners doom would be summar Excommunication from this Church, and destruction by the Sword from the Civill Magistrate: I know him to be a man that hath good ability in argumentation, but it will surpass all his ingyne, by any probable consequence, to infer this conclusion from the Writers citing of these places of Scripture, to prove that common report is made a ground of search and proceeding; and I am confident, that as he shall not be able to bring any probable evidence of what he hath alleadged, so also that it did never enter into the Writers heart to have such a thought.

VINDICATION.

THUS far the Writer; So We have now before us at one view this Argument so operous and large, as full and strong as it could be made, to which a very short answer might be made; for all hangs upon this, that the late Commissioners were under a scandal of carrying on a course of defection, and this hangs necessarily upon the third particular last mentioned, which the Writer onely dilates magisterially we deny, which alone layes the whole argument in the hollow, and suspends assent to the conclusion thereof, untill the Writer shall in a new Edition follow out his Argument, and make that particular good, which he shall never be able to do: But for cleaver satisfaction to all honest Christians about this matter, We present this consideration in answer to this argument. 1. The very like accusation & exception came into the Assembly, from the very Parliament, against the Members of their Commissioners, who were Commissioners to the Assembly, and yet after a long and serious debate, it was found (by none more than our present Protesters, and concluded that none of them could be removed from sitting in the Assembly, and voting in other matters untill

untill their proceedings were first heard and tryed, when the Writer, shall shape an answer to justify the Constitution of that Assembly, notwithstanding this that was done, then we doubt not but it shall the late Assembly; so we see that it is contrary to the truth which the Writer alleadgeth in answer to the first Objection against this Argument; when he sayeth, that though it be true, that the Members of the Commission have been allowed to sit untill their Proceedings were tryed and judged, yet that is as true, that such Objections and Exceptions being proponed, was never rejected. We have given a fresh and recent instance to the contrary what he addeth here, viz. that since the late Reformation, there was no cause to propone such thing; the Commissioners til this year, having carryed themselves faithfully, we grant the former did carry themselves faithfully, and that there was no just cause of proponing that exception against the Commission 48; and we affirm, that the Commission 51, carryed themselves faithfully, and that there was no just cause of proponing that exception against them which the Protesters made, but whether it was so or otherwise in respect in the very deed is self, since both exceptions at the time they were made, were alike to the Assembly, and therefore (to borrow the word of the Writer we desire any man in the world to bring a reason why the one Assembly should be condemned for rejecting such an exception before the proceeding of the persons excepted against, were tryed and judged whereas the other Assembly which rejected the like exception is maintained. But good Reader, look forward upon the Writers following of his Answer to the Objection mentioned, and see a mystery, and judge thou, if it be not of iniquity against all the late Generall Assemblies of this Kirk; he tells us of an Act made anno 1601, and renewed 1648, and sayeth, that it doth necessarily infer, that the Commissioners of a former Assembly, should not be admitted as Members in the succeeding Assembly, although there be no scandall or exception proponed upon their proceedings untill they be tryed, much lesse when a scandall or exception is proponed. This is a fair blow, by one stroke given to the late Constitutions of all the Assemblies of this Kirk, posterior to that Assembly at Glasgow, without exception, and most of all to the Assembly 48, for in all of them, Commissioners of the preceeding Assemblies respective have been admitted to sit as Members, before their proceedings were tryed and judged, and in that Assembly

bly 48, they were admitted to sit, notwithstanding exception being made against their sitting by the Supreme Civil Power of the Land. This is remarkable, that the Writer, to the effect he might pull down the late Assembly 51, he would put down all the rest with it. But the truth is, the Writer is somewhat rash in his assertion concerning the consequences of that Act mentioned, look the tenor of it as it is extant in the Assembly 48, Sess. 6. It sayth only this much, That the Commissioners of former Assemblies shall give an account of their proceedings in the beginning of the Assembly, before any other matter or cause be handled, and their proceedings to be allowed or dis-allowed, &c. from which I confesse, this much may be inferred by one sticking precisely to the letter of the word, that after the Assembly is constituted, the handling of all other matters should be suspended, untill the Commissioners proceedings should be tryed and put to a point, during which tryal, the Commissioners that are members *vi materia*, must be removed, because the same persons cannot try their own proceedings, but that they may not be admitted in any wayes to be Members of the Assembly, not so much as to vote in the Election of a Moderator, (which was the thing required by the Protesters) cannot be inferred from thence, if it were otherwayes it seems strange to me, that that same Assembly 48, which did renew that Act, did at the same very time, admit the Commissioners of the preceding Assembly (sundry of the present Protesters, and amongst the rest, none more then the Writer of this Paper, and the suggester to him of this consideration, being chief actors in the busines) to sit as Members of the Assembly, before their proceedings were tryed; yea, and to vote in sundry other matters during the time of their tryall; and that whenas there was exception made against them, but beside this retortion of the Argument, which the Protesters are obliged to answer.

R E V I E W.

Albeit the Author is pleased to say, That the Writer shall never be able to make good, that the Publick Resolutions were diametrically opposite to clear standing Acts, Remonstrances, and Declarations of former Assemblies, yet he, or some others in his room hath often made this good, out of these Acts, Remonstrances, Declarations, &c. wherein the very contradictory of the Publick Resolutions, is clearly set down upon the very circumstantiat case of defending the Cause and Countrey against forraign Invasion; and there-

therefore though there were no more to uphold the Argument but this, the conclusion thereof may safely be assented to, without any new Edition of the Writers in following his Argument: I am glad that the Author is brought to acknowledge, that all hangs upon this, and doubts that some of his friends who quarrell at sundry former Acts, Remonstrances and Declarations, as not knowing how to reconcile them with Publick Resolutions, approve him in this. He would remember, & others would be informed, that in the beginning of the Meeting at St. *Andrews*, this point was offered to be instantly verified out of the Records of the Church under the Clerks hand, who is generally acknowledged to know them best of any, and was bound by his place and particular Acts of Assemblies, to offer them unto them, and yet they could not be heard; and the exception being relevant in it self (as is acknowledged by the Author) and rejected when offered to be instructed: as to the matter of fact it is alike as if it had been proven, for it stands for proven in Law, as to the Judge who refuses to admit probation to be instantly produced *ex actis suis*. To his first particular answer I reply. First, That no like accusation nor exception came into the Assembly 1648, from the very Parliament (or any other) against the Members of the Commission who were Commissioners to the Assembly; neither after a long and serious debate was it found (either by our present Protesters or any others) and concluded that none of them could be removed from sitting in the Assembly, and voting in other matters, until their proceedings were first heard and tried. There was in the Assembly 1648. no such accusation nor exception, nor debate, nor conclusion, which is a short and clear answer for justifying that Assembly, and for vindicating the truth of that which is alleadged by the Writer in answer to the first Objection, to wit, That such exceptions being propounded, were never rejected; and doth withal give a clear reason why the one Assembly should be condemned, though the other be justified; because the one Assembly rejected so relevant an exception, which the other did not, it being never propounded unto them. In all this business the Author is greatly mistaken, and (whether through mis-information, or how I know not) doth assert that for a truth which never had a being, and therefore all his defences built upon it do at one instant fall to the ground. The story which as it seems he hints at in the 48. was briefly this: In the year 1648. the Assembly being

met and constituted without any exception propounded or mentioned by any person or party whatsoever, against these who had been Members of the former Commission, and were now Members of the Assembly, after they had sitted five or six dayes, as is evident from comparing the date of their first Session with the date of the Papers after mentioned, the Committee of Estates (for the Parliament was adjourned a good while ere then, as is evident from the printed Acts therof) hearing that the Assembly were now gone a good length in the tryal of the proceedings of the Commission, sent in the Earle of *Glencairn* the Treasurer-Depute, and *Archibald Sydeserf* to the Assembly with a Paper wherein they did desire, 1. That the Assembly would be pleased to appoint some of their number to meet with such as should be appointed by the Committee of Estates, for composing of mis-understandings betwixt Kirk and State, and for clearing the Marches betwixt the Civil and the Ecclesiastick Power, and these Questions which had been debated betwixt the PARLIAMENT and the COMMISSIONERS of the GENERAL ASSEMBLY. 2. That they would be pleased to forbear the emitting of any Declaration, either to this Kingdom, or the Kingdom of *England*, relating to the then Engagement and proceedings. 3. That before the General Assembly did proceed to any approbation of the actions of the Commissioners of the former Assemblies, that in these things which might relate to the then Engagement, and to these Questions that had been debated betwixt the Parliament and them, they might be first heard. In order to these desires there passed several Papers betwixt the General Assembly, and the Committee of Estates: But in none of these is there any Exception propounded by the Committee of Estates against any of the Commissioners of the former Assemblies, nor any desire thereupon, that they might be removed until these Exceptions should be tryed and discussed: But all the Objections and Exceptions they speak of, is, Objections & Exceptions against the proceedings of the Commission in reference to the Engagement, which though they were a good while waited for, and again and again desired, yet did not the Committee of Estates offer one tittle of particular Objection or Exception against the proceedings of the Commission in the matter of the Engagement, before the tryal and approbation of these proceedings by the General Assembly, much less did they offer any Objection or Exception against the Members of the Commission, who

who were Members of the Assembly. The Committee of Estates did afterwards print and publish very sharp and reflecting Papers against that Assembly, and their Declaration, wherein as was probably conceived, they had the help of some very able Ministers and Lawyers, and yet in all these they do not so much as once insinuate any thing of this kind that they did propound such an Exception against the Members of the Commission, who were Members of that Assembly, which doubtless they would not have omitted if any such thing had been: But if the Author will not trust none of these things, which if need were can be attested by many who were eye & ear witnesses thereto. To the effect that there be no place for gainsaying in this matter, I have set down after the close of this *Review*, the true Copy of the Papers that pass betwixt the Committee of Estates and the General Assembly at that time in that business, extracted faithfully out of the Registers of the Committee of Estates; against which no flying report that he hath heard, and taken impression from, can bear any weight. That Mystery of Iniquity which the Author supposes to have found against all the late Gen. Assemblies of this Church, is but a Mystery of his own very groundless and uncharitable fancy, wherein he may haply please himself, but brings no edification to his Readers, nor advantage to his Cause thereby: It were better for him to be exercised in discovering true Mysteries of Iniquity, which are nearer home, and as yet a vail to his eyes, then thus to stretch his ingyne and spend his time to find a knot in a Rush. But what is that Mystery? The Writer tells us, saith he of one Act made *anno*, 1601. and renewed *anno*, 1648. and saith, That it doth necessarily infer, that the Commissioners of a former Assembly should not be admitted as Members of a succeeding Assembly, though there be no scandal nor exception propounded upon their proceedings until they be tryed; much less when a scandal or exception is propounded. This saith the Author, is a fair blow by one stroke given to the late constitutions of all the Assemblies of this Church *Posterior* to that Assembly at *Glasgow* without exception, and most of all to the Assembly 48. for in all of them Commissioners of the preceding Assemblies respective have been admitted to sit as Members, before their proceedings were tryed and judged; and in that Assembly 1648. they were admitted to sit, notwithstanding exceptions being made against their sitting, by the Supream Civil Power of the Land. But if this be candid and con-

eludent reasoning, I desire leave of him to discover another Myſte-
 ric of Iniquity in his own words, before he cloſe this purpoſe that
 gives as great a blow to all the late Conſtitutions of all the Aſſem-
 blies of this Church ſince the 38. none excepted : his words are
 theſe, I confeſs that thus much may be infered by one ſticking
 preciſely to the Letter of the Act, That after the Aſſembly is conſti-
 tuted, the handling all other matters ſhould be ſuſpended until the
 Comiſſioners proceedings be tryed and put to a point, during
 which tryal the Comiſſioners that are Members *vi materia* muſt
 be removed ; becauſe the ſame perſons cannot try their own pro-
 ceedings. But ſo it is, that though the Letter of the Act and *vis*
materia do infer theſe things, yet after the conſtituting of the Aſ-
 ſembly, Comiſſioners of all the preceding Aſſemblies reſpective
 ſince the 38. have been admitted to ſit as Members of the Aſſem-
 bly, before the tryal and diſcuſſing of their proceedings : Therefore
 there is one Myſtery of Iniquity in the Authors words, which pulls
 down all theſe Aſſemblies of the Church. What Myſtery of Ini-
 quity imaginable that reaches unto the pulling down of the Aſſem-
 blies can be found in the Writers words, but this, That theſe Acts
 1601. & 1648. do croſs the ordinary practice of all theſe Aſſemblies
 in this particular, concerning the trying and diſcuſſing of the proce-
 edings of the Comiſſioners, or that the proceeding of all theſe Aſ-
 ſemblies in this particular have not been agreeable unto, but diſſonant
 from the Rule holden forth in theſe Acts : And doth not the Au-
 thor yeeld, That both by the Letter of the Act, and *vi materia*,
 that they ought to have been removed ? But ſo have they not been
 in any of theſe Aſſemblies before the judging of their proceedings :
 Doth not then that Myſtery of Iniquity work in him, as well as in
 the Writer ? But he tels us, that it cannot be inferred from thence
 that they may not be admitted in any waies to be Members of the
 Aſſembly, not ſo much as to vote in the Election of a Moderator,
 which was the thing required by the Proteſters (if he had dealt fair-
 ly he ſhould have ſaid, which is the thing infered by the Writer ;
 but perhaps he ſaw ſome diſadvantage in that) be it ſo, That that
 inference cannot be made from thence, yet may this inference well
 be made from thence, That after the chuſing of the Moderator they
 cannot be admitted to ſit and vote in any buſineſs in the Aſſembly
 before their proceedings be allowed or diſallowed, and that if they
 be admitted before that time, theſe Acts of the Aſſembly are clearly
 croſſed

crossed and contradicted, which being done by all these Assemblies since 38. they are to be pulled down as null. When the Author shal extricate himself and his Readers out of this Mystery of Iniquity, he shall also help the Writer how to clear himself of the other. The truth is, though there hath been some croiling between these Assemblies and the practice of the Assembly since the 38. both the one way and the other, by the sitting of the Commissioners of the former Assembly, not only till the Assembly was constituted and in the choice of a Moderator, but also afterwards in the debating and voting of other business before the allowing or disallowing of their proceedings; yet doth not this reach any blow to the constitutions of these Assemblies, because the Act of the Assembly 1601. till the year 1648. was almost *inter non cognita, & non apparentia*; yea, there was no cause to urge it, the Commissioners of all these Assemblies carrying themselves faithfully, and not being under any scandal or any exception therupon proponed against them. And albeit things belonging to former order being propounded and urged (especially in cases of consequence upon the matter) cannot be past by, unless they be formally repealed; yet if through inadvertency or custom they come to be omitted, there being no particular emergent giving occasion to urge them, yet doth not this give any blow to the Judicatory wherein these forms should be used; neither doth he, who saith, that their own Laws prescribe such a form, prove guilty of any Mystery of Iniquity. But the Author insists, That the Assembly 48. which did renew that Act, did at the very same time admit the Commissioners of the preceding Assembly, sundry of the present Protesters, and amongst the rest none more then the Writer of this Paper, and the Suggester to him of this Consideration, being chief actors in the business, to sit as Members of the Assembly, before their proceedings were tryed: yea, and to vote in sundry other matters during the time of their tryal, and that whereas there was exception made against them. I pals his rubbing upon the Writer of the Paper, and I know not that Suggester to him of that consideration, as being a thing ordinary to him in all this Debate, & yet little either for his own honor, or for the edification of others: I think these now are not ashamed to give their mutual help and assistance one to another either by suggesting or digesting as God hath gifted them, what may contribute for the defence of the Truth. But sure I am, though he may speak his sanse, and vent his reflecting
con-

conjectures that he neither knows who writ the Paper, or if any, or who suggested that consideration to him, or what their acting was in that business in the Assembly 48. If he shall take into consideration the circumstances of proceedings in the Assembly 48. which revived the act of the Assembly 1601. he will not need to think it strange that they did admit the Commissioners of the former Assembly to sit & vote in other matters before their proceedings were tried and judged, because the motion of reviving that act was not made till a very little time before the report of their proceedings by the Committee of the Assembly, to whom the inspection of the Commission-Book was committed: any who looks upon the acts of the Assembly will find, that the act 1601. was revived, and the Commissions proceedings approved both in one day, the one in the fore-noon, and the other in the after-noon; and I believe that he shall not find that in the interval betwixt these two Acts, any thing was voted in the Assembly. He insinuates, as if at that time there had been a debate about the removing of the Commissioners, upon exception made against them; but in this he is mistaken still: There was no exception made against them, nor any debate thereupon, as we have already cleared. If it be asked, what then was the reason of reviving the Act 1601. the reason was, because the Committee of Estates did (the day before the report made of the proceedings of the Commission) desire that the Assembly would not proceed to the approbation of these proceedings before they might be heard in these things that did relate to the Engagement (as we have already shown) And the Assembly knowing that this was but a shift to gain time, and to deuide the Assembly, as they thought fit to call the Committee, if they had any new Objections against the proceedings of the Commission, or only the same Objections made by the Parliament or their Committees before; and upon the Reply of the Committee of Estates, that they had just and material Exceptions, besides any formerly made, to continue til the next day at 10. hours, and to appoint that time for hearing these Exceptions; so for preventing of the like inconveniences for time to come, they thought fit to renew the Act 1601. But it wonders me that in all the Authors Answer to this point, he doth not so much as once touch upon the parity of the reason brought by the Writer for making of the Act in the Assembly 1601. and urging it in the Assembly 1651. there being in both these Assemblies a scandal of defection upon the Commissioners

missioners of the Kirk; upon the first, for taking upon them to give in Petitions to the Parl. For votes in Parliament to the Ministers that should be provided to Presbyteries, as representing the true Church of God, and being the Third Estate of the Realm; upon the latter, for taking upon them to bring in the Malignant party, which did not fall out (nor the like in any of the Assemblies since the 38.) and therefore there is no reason to question the Constitution of these Assemblies, for not proceeding according to that Rule, it neither being urged, nor there being any cause to urge the same.

VINDICATION.

In the next place to come to a more direct Answer: It is certain, That every propounding of Exceptions or Alledgance of scandals against persons, and offering to prove them, is not sufficient to deprive them from being Members of, or sitting in the General Assembly: for were it so, pervert and bold men might return and disappoint the Church of all Gen. Assemblies for ever: this the Writer of the late Paper acknowledges in answer to Objection 3. against the present Argument and therefore he proceeds to qualify the Exception which may be sufficient for that effect, by setting down three Conditions requisite to it; wherein he speaks not altogether amiss, of which we shall make our use (we hope) for our advantage, having added a little before for further clearing. First then we humbly conceive, that as to the admitting to, or removing from sitting in the General Assembly: of necessity there must be difference acknowledged betwixt Exceptions made in Presbyteries or Societies, by whom Commissioners are chosen to a General Assembly, against the election of such or such persons, nominated to be Commissioners, and the Exceptions made in the Assembly itself against such as have been chosen by Societies from whence they came without question, exception or contradiction, and have a formal and regular Commission; the former I confesse being followed, and being presented, doth suspend persons from being admitted to sit as Members in the Assembly, until the exceptions be try'd, because it is as yet under question whether they be elected and commissioned, which must be known before they sit as men clothed with authority, clothed to judge, but the other cannot always: I grant it may and ought when (as the writer qualifies) first the exception for the matter *prima fronte* appears to be relevant in Law, an evident, and undoubted fault. Secondly, that for the truth of the fact in application to the persons against whom it is made there be a scandal of some presumptions for it if either of these be wanting I cannot in any ways accord with the Writer in that alternative which he addeth in the second condition, or for offering to instruct and make it out; suppose the matter be relevant clearly in Law; for grant that, and still the abuse a consequence followeth of a ready way

way made for perverse and bold persons to disappoint the Kirk of all Assemblies for ever) if either (I say) of these be wanting, the exception is not relevant to remove persons from sitting as Members in the Assembly before the Exception be tried and judged; though it be true, that the Assembly being constituted, the exception and grounds thereof, ought to be tried with all convenient diligence, and expedition which was offered to the Protesters in the present case and debate.

REVIEW.

I Do humbly conceive that the Author by distinguishing and discerning of exceptions made in the Presbytery, and exceptions made in the Gen. Assembly, and granting that the first doth exclude from sitting in the Assembly, but not the last, except where the exceptions *prima fronte*, at least are relevant in Law, and that for the matter of fact, theirs being a scandall of some presumptions, doth but darken a clear businessse, because if we shall take the same exceptions, and in the same case they have alwayes alike force to exclude persons nominate to be Commissioners, whether they be first proponed in the Presbytery at the time of the election, and afterwards followed in the General Assembly, or not at all proponed till it come to the Assembly: All exceptions against Commissioners whether made in Presbyteries, or in the Assembly, may conveniently be reduced to that compassse, as to lye in somewhat that concerns the Commission, as not being formall and regular, as the Author speaks; for if we take a formall and regular Commission in all the causes and requisits of it, it doth comprehend all these things against which any exception doth ly; but for the better understanding of the businessse, it is to be considered, That almost all exceptions against Commissioners ly in one of these, either because they are Commissionated by these who have no power, or because the elections was not free, or because the Commission doth not contain its due powers; or because the persons chosen are not capable to be Commissionated; now let us take exceptions of any of these kinds, or of any other kind that may be instanced besides these: have they not the same weight, being proponed *primo instanti*, in the Assembly, as if they had been at first proponed in the Presbytery, and afterwards followed in the Assembly? Hath not every member of the Assembly liberty before the Constitution of the Assembly

seemly to propone exceptions of all or any of these kinds, as well
 as any person in the Presbytery, or coming from the Presbytery,
 and is not the Assembly without reference, or appeal, or dissent, or
 Protestation made in the Presbytery *primo instanti* a judge compe-
 tent to take in and judge these exceptions being proponed; The Au-
 thor gives a difference, to wit, because exceptions of the first kind
 being followed and presented, put under question whether they be
 elected and Commissionated, which must be known before they
 sit as men cloathed with Authority; but to passe that, it seems to be
 insinuate that the election cannot be questioned in the Assembly, if
 it hath not been questioned in the Presbytery, do not excep-
 tions of the last kind put in question whether they be men
 capable of authority, and is it not as relevant to exclude a man
 from being a judge, that he is not capable to receive authority, as
 that no authority hath been given him: That he is not capable to be
 elected, as that he is not elected, that he is not rightly Commission-
 ated, as that he is not Commissionated at all; notwithstanding of
 this distinction made by the Author (which for my part I see little
 or no less of in this matter) yet he grants that exceptions, at least
prima fronte do appear to be relevant in Law, and concerning which
 there are scandalls of presumption as to the matter of fact, are re-
 levant to exclude persons from sitting in the Assembly, till they be
 first tryed and judged, and onely denyes the third branch, to
 wit, That it is enough if there be some persons offering to make out
 what is alledged; in order to which, I would first ask, whether
 upon supposall that at the time of the election, some persons of the
 Presbytery offered to instruct, and because of their not being heard
 there, had afterwards come and offered it to the Assembly before
 their constitution, would it then be a relevant exception to exclude
 them from sitting till it should be first tryed and judged? If he say
 it would, then say I, it would also have been relevant, though
 it had not been proponed untill the Assembly, and if it be
 denyed? I would know the reason of the difference, if he say it
 would not have been relevant, then I desire it to be considered, whe-
 ther the offer of some persons undertaking instantly to verifie what
 they do alledge; be not of as great weight as some presumptions
 of the fact, let be a scandall of some presumptions of the fact, which
 is granted by the Author to be sufficient, if the matter be relevant
 in Law: But granting this, he cannot see but still the abused conse-

quence followes, to wit, the making a ready way for perverse and bold persons to disappoint the Church of all Assemblies for ever. Upon supposall that there were some occasion given hereby to fear such a thing, yet if another as evill a consequence do more probably follow upon denying this: That is remediess corrupting of Assemblies in their constitution; what shall be done in that case? That this consequence will follow, especially where the exceptions do concern many, and leading menare, is of a more common and universall influence, appears, because if these persons be admitted to sit as members after the proponing of these exceptions, before tryall of them, there can be no regress to the removing of them afterwards upon that ground, unless we say that the Assembly may afterwards undoe that which formerly they did approve, *in foro contradictorio*, and that those that were once found members, notwithstanding of these exceptions, yet afterwards by the same exceptions may be found no members; that the one consequence doth more probably follow then the other, appears not onely from this, that it is not ordinary for men of common sense and reason, nor almost for the most perverse and irrational men, to offer that to a Judicatory, against their constituent members, which they have no probable hope to verifie; but also from the doolfull experience of this Church. When did it ever fall out in the Church of Scotland, that a Generall Assembly was disappointed by perverse and bold men, offering to prove exceptions relevant in Law, but fals in fact against the constituent members thereof? who can give any instance thereof, unless men will bring the Assembly § 1. (which is to bring the thing in question) for an instance: But upon the other hand, the admitting of men to sit against whom such exceptions were, or might have been proponed, hath been one of the main causes of corruptions of Assemblies, and defection in this Church, as is known in the time of the Prelates, and it is the duty of wise men to provide most against that which *ut plurimum* is their danger: But as I do not see how the last consequence by the Authors way, can be prevented, so I do not see how the first consequence doth follow, because these perverse & bold persons who propones the exceptions, & offer to verifie them instantly, doth not suppose that all the Meeting to whom they offer the exceptions are guilty; for if they did suppose that they could not propone any exceptions to be tryed by them, but behoved *primo instanti* to decline them all as judges, reserving the

the verification of their alleadgances to a judge competent. Now if they do thus, the Assembly is not disappointed by perverse and bold persons, offering to verify exceptions, because in this case they do not make any offer of verification of any exception, before that Meeting; upon the other hand, if they do acknowledge a part of them as persons competent, and fitly qualified to try and discuss these exceptions which they offer to verify, then the persons against whom they except being removed, and the exceptions taken in, and cognolced upon, according to the verification offered, they are found either true or false; if they be found false, the Assembly is not disappointed; but may proceed to its Constitution, having found their members blamelesse, and having stopped these mens mouths. If the exceptions be found true of such a number, without whom the rest cannot make an Assembly, there is a great advantage instead of a feared disadvantage, that is the prevention of a corrupt Meeting, constituting themselves in an Assembly; if but a fewer number, the corrupt are removed, and the blamelesse are admitted, and the Assembly goes on: Besides all this, it may by way of Commission, without any disadvantage to the Protesters could be yeilded to the Author; that it is to be looked to that the Persons offering to verify these exceptions be not perverse persons, but men of a good report, and such as are known to walk honestly, and not to act upon a Principle of malice or ill-will against the persons whom the exceptions do concern, all which was true in the Protesters case, they being sundry of them members of that Meeting, to whom it was incumbent *ex officio* to propone any exception consisting in their knowl-dge, and allowed to sit as Members of the Assembly (a priviledge not belonging to pervers men) and all of them men of good report, & of a blameless conversation, and such as are known to be so far from malinging the Commissioners, against whom they did except, that they then had and still have them in estimation, and do love them as brethren. The Author yeelds that the Assembly being constitute, the exception and grounds thereof are to be try'd with all convenient diligence and expedition, and alleadges that this was offered to the Protesters in the present case and debate. That such an offer was made, I shall not contradict; I believe it was so, but to pass by that, even this which he himself thinks reasonable, though offered, yet was not well performed, because most of the time that the Assembly sat, was past before that

exception and the grounds thereof were tryed, these men all the while, and for a good many dayes, sitting and voycing in all things that past in the Assembly, even in these things that did concern the proposers of the exception: The Proposers could not accept of this offer, not one, because it did suppose their sitting in the Assembly as members before the trying of the exception, but also because the exception was not an exception against one or some few particular persons to the case of some particular or personal scandals, but an exception of common concernment to many in things relating to the discharge of their trust in the Cause.

VINDICATION.

Upon which the writer in hand (both these were clear in the present case, to wit the exception made against the late Commissioners, it was relevant in iure, if there be any relevance why a man should not sit in the Generall Assembly, this certainly is one that he hath betrayed his former trust, hath made defection from the Covenant and Cause, and being instrumental to carry on a course of defection throughout the Kirk and Kingdom, and as to the truth of the fact, in reference against whom the exception was made, all these did concur a flagrant scandal, pregnant presumptions, and persons in the Judicatory, offering to instruct and verifie what was alledged) by this the Writer believes that he hath cleared as with a Sun beam, and gained his point, but we hope shall be made to appear, that he hath left the matter yet in the mist, and gained never a whit. It is true indeed that for Commissioners to betray their trust, to make defection from the Covenant and Cause, &c. is in iure a relevant cause to exclude any man from sitting in the Generall Assembly as a member, and deserves more (as I doubt not but the Writer, and some others intended the challenge of it against the Commissioners for more) but that the Commissioners for the matter of fact had betrayed their trust, &c. There might have been and was indeed by some spread a flagrant scandal, but there was no flagrant scandal (these same who afterwards accused them in the Assembly) I mean presumptions objective by any thing they did though there was presumptions enough in some men against them, and as for some persons offering to instruct is, that is to little purpose to argue them scandalous, but the great sophism in this whole discourse (whereinto I will not determine, whether out of inanimadvertency or willingly the Writer hath run) lyeth in this, that

the main and principal question de jure, which should have been cleared to the effect that scandal might be justly charged upon the Commissioners, Was not the Generall or theis, whether betraying of trust or making defection from the Covenant and Cause, if it be such a fault as deserveth exclusion from sitting as a Member in a Generall Assembly, out this particular hypothesis, whether the resolving that all persons in the land, excepting such as are notoriously &c. may be admitted to joyn in Arms for just & necessary defence of the Kingdom, when other ways there cannot be Fortes had other ways in warrantable prudence for defence of it, item resolving that the time of civil censures inflicted by the Parliament upon persons accessory to former malignant courses, as the sinfull Engagement, might be dispensed with and taken off by the Parliament, with this provision, that none should be admitted to places of power and trust, but such as are qualified positively according to the rules of the Word of God, in that case held in our Solemn Engagement, it in obtaining Presbyteries to proceed with persons formerly guilty of malignant courses, for admission of them unto publick reprobation, in a way conform to the rules set down by the Generall Assembly, for admitting of such upon testimonials from Presbyteries, bearing satisfaction given by them conform to these rules; whether these things (I say) contain defection from the Covenant & Cause, & consequently doth import betraying of trust in a Commission intrusted with the care of preserving the Covenant and Cause, this is a question in jure, that the Writer should have alleadged to have been clear, I mean in the affirmative of it, ere he alleadged that there was upon the late Commissioners; a scandal of some presumptions, that they had betrayed their trust, made defection from the Covenant and Cause; but the Writer passeth by this in silence. Now, though we might say, and are able in the Lords strength to make it good, that these things contained not any defection from the Covenant and Cause; yet now we shall say but this, that this was not at the time of the Protestation clear to the Assembly, because as yet there was not any particular determination thereanent in former Generall Assemblies, wherefore for further clearing of this matter that we are upon, the excluding the persons chosen by their Presbyteries without contradiction, to be missiwers from sitting as Members in the Assembly upon alleadgance of scandal against them, it should be observed by all honest

and

and ingenuous Readers, that when the imputation of scandal upon them depends upon a particular hypothesis, which at least is questionable, and the very point of controversy betwixt them and their accusers, is against all reason and equity that they should be holden to be under a presumption of scandal, untill that hypothesis should be discussed and cleared, and therefore untill that be done, the Adversaries alleadgeance of scandal against them is to be held but a meer alleadgeance, which by the Writers own confession is not a sufficient ground whereupon to exclude persons from being admitted to sit as Members in a Generall Assembly, untill their cause be tryed and judged.

R E V I E W.

I Shal pass the Authors interludes, of the Writers believing that he hath cleared as with a Sun beam, and gained his point; and of that he doubts not but that the Writer and some others did intend to challenge for more; and that there was a flagrant slander spread by some; and that there was presumption enough in some men; and come unto the discussing of that Sophisme (as he is pleased to call it) whereinto he will not determine, whether out of inanimadvertencie or willingly the Writer (as he alleadges) hath run. But let us hear what this Sophisme is; The main and principal question *de jure* (which should have been cleared (saith he) to the effect that scandal might have been justly charged upon the Commissioners, was not the Generall or *Thesis* whether betraying of trust, and making defection from the Covenant, &c. be such a fault as deserves exclusion from sitting as a Member in a Generall Assembly; but this particular *Hypothesis*, whether the resolving that all persons, excepting such as are notoriously prophane, &c. may be admitted to joyn in Arms for just and necessary defence of th Kingdom, when otherwise there cannot be Forces had in warrantable prudence, sufficient for the defence of it, &c. If the right stating of the *Hypothesis* were the thing now directly in question, it were needfull to consider more largely of the Authors stating of it; but because it comes in on the by, I shall onely desire these few things to be taken notice of in the state of the question which he gives; first, That it doth suppose something untrue, to wit, That Forces (in warrantable prudence) sufficient for defence of the Kingdom, could not otherwise be had, unlesse all persons in the Land (excepting these included in the exceptions set down in the answer to the *Quere*) were brought forth.

If we may suppose, that Forces equall in number to these who were invading the Land, were Forces sufficient in warrantable prudence to defend the Land, that number, yea the double of it were to be found be North *Forth*, (to speak nothing of other parts in the Land; out of which there were also Leavies made both of Horse and Foot) though all the persons in question for their Malignancie and dis-affection to the Cause, had been laid aside. The Forces which by these Resolutions was leavied, were by the acknowledgement of all who knew both the Armies as numerous, if not more numerous than the Forces of the Adversaries, and yet the Leavies in many places was but the fourth Fensible man, and in few or no places beyond the third; whence it will follow, that either the two part of the persons in these places where the Leavies were made, were such as did fall within the exceptions contained in the Commissions Answer to the Quære, or else that there was no such necessity of an universall coming forth, as was allowed in that Answer, and that therefore the necessity that was alleadged for in plying of these men who were formerly excluded, was but merely pretended. Secondly, That there were no such Items (as he adds) in the Commissions answer to the Quære, which was the foundation of the Publick Resolutions, and the main thing in debate betwixt the Commission and the opposites of these Publick Resolutions; The first Item resolving, that the time of Civill censures inflicted by the Parliament upon persons accessorie to former Malignant courses, as the sinfull Engagement might be dispensed with and taken off by the Parliament, with this provision, That none should be admitted to places of power and trust but such as are qualified positively according to the rule of the Word of God in that case holden forth in our Solemn Engagement, (To passe by the way of carrying of it; which was palpable and obvious to the whole Land) was not added until the Forces were almost compleatly leavied, and the bulk of the Malignant Party brought into employment, and places of power and trust in the Army. The second Item, ordaining Presbyteries to proceed with persons formerly guilty of malignant courses, for admission of them into Publick repentance, in a way conform to the rules set down by the Generall Assembly, for admitting such upon testimonies from Presbyteries, bearing satisfaction given by them conform to these rules, was not at all included in the Com-

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missions answer, neither was there so much of it, as one word in that large Warning of the 7. of *Jan.* 1651. emitted by the Commission for strengthening of that Answer, and when any thing of that kind in latter Warnings, Acts and Letters came to be added, was alwayes holden forth but as expedient, in order to the employing of these men, but never was pressed in any of these Papers as a necessary duty to exclude all these from being employed for defence of the Cause and Kingdom, who did not give evidence of their repentance, according to the Acts of the Generall Assembly; nay, it could not be so pressed, unless they had destroyed the foundation which they had laid in their answer to the Quare, and in that Warning. The truth is, what was done in the matter of repentance, in order to the employing these men, was upon the stumbling and out-crying of many against the Publick Resolutions, as they came first forth, and yet so as the first ground was alwayes holden fast as to the matter of judgment; and for practice, the businesse was hereby rather made worse before the Lord, and to the point of guiltinesse, then it was before; The Commission not only reverting former Acts made by themselves for excluding these from the Sacrament of the Lords Supper who were in the rebellion after *Dunbar*, till the next Generall Assembly, and making new Acts for receiving of them; but receiving promiscuously such as came unto them, and by their example teaching Presbyteries to do the like, by which was produced a fearfull mocking of the Ordinance of God in publick Repentance, which no doubt hath been one of the provoking causes of the Lords wrath, to draw on these dreadfull strokes wherewith he hath again smitten our Armies and our whole Land. But to the hypothesis it self, granting to the Author that which he alledges, that this hypothesis was not clear at the time of the Protestation, because as yet there was not any particular determination thereabout in former Generall Assemblies. First, I doubt of that assertion of his, That when an imputation of scandall depends upon a particular hypothesis, which at least is questionable, and the very point in controversie betwixt them and their accusers, it is against all reason and equity, that they should be holden to be under a presumption of scandall, untill that particular hypothesis be discussed and cleared, and therefore untill that be done, the adversaries alledgeance against them, is to be held but as a meer alledgeance,

leadgance, upon which they are not to be excluded from sitting as Members in the Assembly, until their cause be judged and tryed. I suppose that some Commissioners to the Assembly should object against other Commissioners that had committed murder, and should offer instantly to verifie the same, and desire that the persons against whom it is propounded should be removed from sitting as Members until it might be tryed; and they in the mean time should say, that it was true, they had taken the life of such persons, but in their own just and necessary defence, and therefore they could not be holden under a scandal of murder, nor be thereupon removed from sitting in the Assembly, till that particular Hypothesis were first determined: Would the Author think it a wrong done to these persons, or rather a duty in reference to the constitution of the Assembly, to remove them till the matter should be cognosed upon? 2. I do affirm, That not only former Assemblies, but the Assembly 1651. did remove Commissioners upon Exceptions propounded against them, the grounds whereof was not yet clearly determined in Law; for instance, The Commissioners of the first Election of the Presbytery of G L A S G O W V, who were laid aside (as for other Reasons, so also for this as one, *in foro contradictorio*, sustained to be relevant) because of the Exception of the opposing of Publick Resolutions propounded against them. Next, Mr. Robert Cauden Commissioner from the Presbytery of Dunce, was removed upon the propounding of this exception, that there were but three or four Ministers in that Presbytery to chuse Commissioners, all the rest of the Churches thereof being vacant; and can any Determination of this Kirk be produced, that three or four Ministers in a Presbytery, where the rest of the Churches of that Presbytery are vacant, cannot chuse Commissioners to the General Assembly. 3. I do upon the ground which the Author himself laies down, prove the carriage of the Commissioners to have been scandalous, and such as did minister just ground of excepting against them, why they should not sit as Members in the General Assembly, till their carriage should be first tried: my Argument is this, Whosoever Commissioner of the General Assembly being in their trust and carriage in the Publick Affairs of the Kirk limited and tryed to proceed according to Acts of former General Assemblies, does upon the accompt of the discharge of their trust, declare many godly Ministers in the Church of Scotland (till then of un-

questionable integrity and faithfulness in the work of GOD) to be Malignants and unfaithful in the cause, &c. and requires Presbyteries to censure them, and to refer and cite them to the General Assembly, because of their opposing of Resolutions taken and issued by them, concerning which there is no particular Determination in any former Assembly: They give scandal and offence in the discharge of their trust, and may justly because thereof be excepted against, as not fit to sit in the General Assembly as Members thereof, before their carriage be tried: But the Commissioners of the Assembly 1651. who were Members of the Commission, were such; *Ergo*, &c. The assumption is clear, the matters of fact contained therein being evident from their own Papers, and that they were not warranted by any Act of the Assembly so to do; is the Authors own ground. The first Proposition I prove thus: Whosoever so far transgresses the bounds of their Commission, as upon the account thereof, to declare many formerly faithful, to be Malignants, unfaithful, and ordains them to be censured and cited, when they have no warrant thereby so to do; gives scandal and offence in the discharge of their trust: But the Commissioners by so doing did so far transgress the bounds of their Commission, &c. *Ergo* what the Author will here answer I do not well know; But I would faine have him to tel a reason why the Commission dealt so sharply with many godly men, as to issue such Declarations and Warnings against them, and to appoint them to be censured and cited, and to stir up the Civil Magistrate against them, because of their opposing of Publick Resolutions; whilest, by his own acknowledgment, there was, as yet, no determination of the Church in favours of these Resolutions, or against the opposers of them: I thought it had been his mind that the Commission could not censure any, or ordain any to be censured for opposing Resolutions of their own, not yet determined nor approved in a General Assembly; and I would have him to give a reason, why he accompts it against all equity that when the imputation of scandal against the Commissioners depends upon a particular hypothesis, which at least is questionable, and the very point of controverisie betwixt them and their accusers (as he calls them, though unjustly, because they, as Members of the Assemblies, were doing of that duty which is common and competent to every Member of the Assembly, that is, to object what they know of scandal against any other Member, that the Assembly might be constituted

tuted of persons rightly qualified) they should be holden to be under a presumption of scandal until that hypothesis be discussed and cleared, and why it should be agreeable to equity and reason, that upon such a particular hypothesis, which at the least is questionable, and the very point in controversie betwixt the Commission, and many faithful men, and some Synods, and not a few Presbyteries in the Land; should be holden not only to be under a presumption of scandal, but also such as did deserve to be publicly declared against as Malignant and unfaithful, and appointed to be censured and cited: It seems that whilst the Author reasons thus about his hypothesis, that what he gains one way he loseth another. I see not how by his questionable hypothesis he can defend the equity of the Commissions proceedings in their Warnings, Remonstrances, and Acts against these who were unsatisfied with, and did oppose the Publick Resolutions; and when he shall do it, I hope his own grounds shall help the Protesters to prove the equity and reason of removing Commissioners, even upon supposal that it was but a questionable hypothesis. 4 I desire to know of the Author, by what power, or in what capacity the Commission did look upon them, to determine this questionable hypothesis: as a Commission they could not do it, because there is no clause in their Commission that gives them power or warrant to determine any point of Doctrine not formerly determined by the Church of *Scotland*; but their Commission ties them in all things to walk according to former Determinations, Acts and Constitutions of General Assemblies; and I think he will not say that by vertue of any other power or capacity they either did it, or could do it. The Author hath by his own confession and ground, brought the Commission a greater length in the exercise of their power, then ever the Gen. Assembly did give to them, or (for any thing I know) did mean to give unto them, that is, To determine points of Doctrine of great importance and consequence; as to the security of Religion, and of the Cause and Covenant, not formerly determined by this Church in any of her Gen. Assemblies, & upon these Determinations to declare such as are unsatisfied with, and do oppose the same, not only to be censurable, but also appoint them to be censured: I thought if any thing had been the proper work of a Gen. Assembly this had been it. But more directly to the point: I do affirm that this Hypothesis, the Publick Resolutions determined by the Commission of the General Assembly

bly 1650. and issued to this Kirk in their Publick Warnings, Letters, Remonstrances &c. do contain and involve a course of defection, was at the time of the Protestation clearly determined in former General Assemblies, because the General Assemblies of this Kirk had often before that time determined an association in Council and Armes with the Malignant partie, even in the case of the defence of the Kingdom against forraign invasion; to be sinful and unlawful, as will appear to any who shall be pleased to read the Declarations, Warnings and tautes of Humiliations, and Publick Papers of this Church these years past; and particularly the Solemn Publick Confession of Sins, and Engagement to Duties; and the Declarations and Warnings issued by the General Assembly 1650. upon the *English* invading of this Land: But these Resolutions did involve such a Coniunction, because they did involve a Coniunction with all the Subjects in the Land, excepting these few included in the Exceptions contained in the Answer to the Quære; but amongst these was the very body and bulk of the Malignant party, who are by these Resolutions allowed to be taken in and employed in the defence of the Kingdom, without any repentance or forsaking of their malignant waies, as a thing necessarily previous to the employing of them, and without which they could not be employed. These were the things which the Protesters alleadged and offered to verifie, not only the general, that the Commissioners had made defection from the Cause and Covenant; but that these particular Resolutions concluded and carried on by them, did involve a defection from the Cause and Covenant; this (I say) they offered to instruct from former Acts of Assemblies speaking clearly and positively there anent; which yet were refused to be heard by the Meeting until they first should constitute themselves in an Assembly including these Members, against which the Exception was propounded, a greater imputation upon their freedom then they will easily wipe off.

VINDICATION.

I*T is known that the Belgick Remonstrance in the Protestation against the Synod of Dort alleadged a matter of Scandal against the most part of the Members thereof, viz. That they had made a Schism, and were Schismatick; The points de jure in thesi, That Schism was a foul scandal, and such as made them unfit to sit*
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in that Judicatory as Members, I suppose was cleer, and the Remonstrants brought many plausible Presumptions that they were guilty of it more plausible a great deal then this Writer alledges against the late Commissioners, they bring Particular instances of Facts, as keeping separated Congregations and Presbyteries from the Remonstrants: refusing to joyn in Prayers or Sacraments with them: whereas our Writer alledges nothing but Generals, offence of many gadly, pregnant presumptions, men undertaking to instruct, &c. But here was a Question in Hypothesis, Whether it be a schism to keep separated Congregations and Presbyteries from, and to refuse to joyn in Prayers and Sacraments with men that had departed in their doctrine from such and such Articles of the Doctrine of that Reformed Kirk as the Remonstrants had done? And therefore these Ministers accused by them, could not be held as under scandal of Schism, or Presumption thereof, until the Points in Controversie were tryed, Whether the Remonstrants Tenents were Erroneous, and of what consequence and importance they were; and until then, the Remonstrants Challenge of Schism against them could not be reputed but a meer Alledgance. I know other things were Answered to this Reason of that Protestation by the forrain Divines from the Members themselves in Controversie betwixt the one and the other; but it may be evidently perceived in sundry of their judgments upon that Protestation that they had all one Eye to this that we have said. Hence is it that of the judicious Brittain Divines in the second Branch of their Answer to that Accusation, Constat hæc Synodus ex personis nulla censura Ecclesiastica notatis nullo publico aut legitimo judicio de Scismate convictis unquam aut condemnatis Protestatio autem Remonstrantium facta in contrarium vim, lata sententia habere non debet. And that of the Naslean Divines Est veneranda & sancta hæc Synodus Congregata in eum finem ut doctrinam Remonstrantium propositam defensamque audiat, ad Dei verbum probe examinet de ejus veritate vel falsitate pronunciet eoque igitur sententiam de scismate ejusque authoribus suspendendam esse sentiamus. So say we, The many businesse of the late General Assembly was to Hear, Try, and Examine the Proceedings and Resolutions of the late Commissioners whether they were conform to the Word of God, the Covenant, and Constitutions of this Kirk, and what could be said for, or against them; and there-

therefore until then was the matter of Defection objected against them to be suspended. From all this that hath been said, it is evident, That seeing the Assembly was to go about the Tryal of the Commissions proceedings with all convenient expedition, it is no wayes a relevans exception against the Freedom and Constitution of the Assembly that they were admitted to sit as Members notwithstanding the Exception that was alledged against their sitting: And as for the same Objection, it was so far from sticking upon the Protesters themselves at first, That Mr. Andrew Cant with the good-liking of all of them, so far as could be perceived, did put Mr. Robert Blair, and Mr. William Ret upon the List of Moderation; and sundry of them gave their Vote to Mr. Robert Blair To be Moderator, Let be to sit as an ordinary Member of the Assembly.

R E V I E W.

THIS Instance which the Author gives of the Belgick Remonstrance in their Protestation against the Synod of Dort, is quite differing from our case in severall respects; First, The hypothesis that was in question betwixt the Remonstrants and the Anti-Remonstrants, whom they desired to be removed out of the Synod, as they were determined in the Confessions and Catechismes of the Belgick and other Reformed Churches; So did the Anti-Remonstrants which were Members of that Synod, adhere to these determinations, and were willing that their Doctrine should be judged thereby; whereas the Remonstrances did decline the Doctrine of the Belgick and Reformed Churches in their Catechismes and Confessions, and do require it as one of the Conditions of the Synod, that every man should give his oath, that he should have no regard in this businesse to Confession or Catechisme; but onely to the Word of God, as appears from their own words, which be these; *Ideoq; quisq; sub fide juramenti coram Deo sanctè præstandi promittat se non respecturum in hoc negotio ad Confessionem Catechismum aut ullum aliud humane auctoritatis scriptum scriptoremque, sed ad solam Scripturam qua pro solâ fidei norma habetur.* But the Commissioners of the Generall Assembly, as they do deny their resolutions to have been formerly determined by this Church, and so upon the matter do handsomely

ly decline to be judged in these things by the Acts thereof, as not being quadra nt to their case: So do they cry out upon the opposers of Publick Resolutions, for citing these Acts so often against them, and for insisting so little upon the Word of God, which they call for as the onely rule whereby they will be judged in these things, to be determined by former Assemblies, so were they most willing and desirous, that they and the Commissioners in their judgments and actings upon these things, should be judged thereby. Secondly, The Remonstrants did accuse the Anti-Remonstrants of Schisme, and as Schismatics most unjustly, of which we shall give the reason, in the words of the Britain Divines then in the Synod; *Quia ipsi remonstrantes recedendo à doctrinâ communiter recepta, initium & causatio hujus separationis existerunt, nam veritas habetur, quod à primordio in Ecclesiâ aliquâ traditum & receptum fuerit, et por reputatur quod postea inducitur, donec habito legitimo examine & Judicio contrarium concludatur, quo etiam accedit quod illi dici non possunt à doctrinâ Remonstrantium recessisse (quod in schismate presupponendum est) qui illam nunquam receperint sed ab initio sibi propositam rejecerint & condemnârint, (words worthy of observation in order to the whole debate upon the Publick Resolutions) but these who did except against the sitting of the Commissioners in the Generall Assembly, upon their making defection from the Cause and Covenant, did it justly, because of their departing from the received Doctrine of this Church, and the bringing in of new and strange Doctrine in that point which the other offered to verifie. Thirdly, The thing which the Remonstrants did desire, was, That the Anti-Remonstrants should be removed wholly out of the Synod, and be set to the Bar to answer as guilty of Schisme, and as Parties against the Remonstrants in this business; and hence are these sentences of the Britain and of the other Divines which are cited by the Author, But the thing desired by these who excepted against the Commissioners, was not that they should be removed wholly from the Assembly, or holden as guilty before tryall, but that their sitting in the Assembly might be suspended untill it were tryed whether they were guilty, yea or not, and therefore the Author in citing and expounding these sentences as he doth, hath not onely done wrong to the Protesters, but also to the constant received Order of this Church in the constitution of her Assemblies*

blies, because if these sentences be expounded not onely against the removing wholly out of the Assembly, but also against the removing of them for a time till they be tryed, then have all the Assemblies of this Church followed a wrong method, who did ordinarily upon exceptions proponed, remove sundry of their number, though they were not as yet *convicti* nor *condemnati*; and though they did suspend their sentence about removing of them wholly, yet did they not suspend their sentence about removing them for a time, untill the exception should be tryed, this being the very way established, and constantly followed in all the free and lawfull Assemblies of this Kirk, for keeping of her Assemblies pure. If the Author will not admit of the removing of any till he be convicted, and will have those Divines at *Dort* so to be expounded, then let him tell us how he will reconcile them and our Church in this particular; But it is easie by the answer which we have given, so to do; yea, it is manifest from the whole scope of the business at *Dort*, that these Divines speak in order to a total removall, which was never desired by the Protesters in reference to the Commissioners. But let us turn the Scheme a little, and suppose that the *Belgick* Churches had chosen and sent to the Synod of *Dort* the Remonstrants as their Commissioners, and that the Anti-Remonstrants had been cited before the Synod, and had proponed as an exception against the Remonstrants sitting in the Synod, that they were under a scandall of erroneous and corrupt doctrine, which they did offer instantly to prove by comparing their Doctrine with the Doctrine of the *Belgick* and Reformed Churches in their Confessions and Catechismes, and thereupon desired that they might be removed from sitting as Members in the Synod, untill this exception were tryed: Doth the Author think that the rest of the Synod, would or could in reason have refused to grant this desire. From all these things I hope it doth appear, that notwithstanding of any thing answered by the Author, it is a relevant exception against the freedom and right constitution of the Assembly, that they did before trying of the Commissioners proceedings admit them to sit as Members of the Assembly, notwithstanding of the exception of scandall upon them timely proponed and offered to be instructed. As for that which the Author saith of the Protesters suffering Mr. *Andrew Cant* with good liking of all of them so far as could be perceived, to put Mr. *Robert*

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Blair and *Mr. William Reate* upon the List to be Moderator, and that sundry of them gave their vote to *Mr. Robert Blair* to be Moderator, let be to sit as an ordinary Member of the Assembly: I answer, There were many of the Protesters who had no place to speak in making of the List, as not being Members of the Meeting, and I believe, that these did give no token either of their good or ill liking of what *Mr. Andrew Cant* did in that particular: These who voted, though they would not refuse to vote in the election of a Moderator, as they did afterwards for some time in other particulars, not yet despairing of some reasonable satisfaction to their desire of adjourning the Assembly, and that they voted to *Mr. Rob. Blair*, as one of the most pious, prudent, & peaceable of that way, there being none else upon the List, yet did they vote with a Protestation; and though they had made no Protestation, the most that it would prove, were this, that from loathness to be heard, and hopes of satisfaction in a peaceable way, they went further with the Assembly, then adhering strictly to their right they should have done, and (I believe) a passionate desire of peace did also move *Mr. Andrew Cant* to put these men upon the List, though afterwards when it could not be obtained without prejudice to the truth, he saw good cause to Protest against the Assembly, as not free, and as unlawful.

VINDICATION.

AS for the particulars contained in the Writers large prosecution of this Argument, we shall not need to insist much upon them, nor yet will we follow him in Answers to his Objections, only somewhat briefly to some particulars; and first what is alleged from the Assembly 1562, 80, 81. First it had been good the Writer had set down the very Acts, related in their full and former words, that we might have seen, (for every one of us are not keepers of the Registers, nor have Copies of them beside us) whether they meant all persons against Whom any scandal was alleged, should be removed even before the Assembly be constitute into a Judiciary, which was the thing pretended by the Protesters, and because not done, was the ground of the quarrell; for we see not this by any thing that is brought here. Secondly, we suppose it could not be the mind of these Assemblies, that all licence of scandals against

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persons, should be a cause to remove them from sitting in that Assembly as Members altogether, unless the scandall were clear and unquestionable, for the point de jure, and so their appointment comes not home to our present case. Next, for the grounds brought to prove, that the Commissioners were under scanall of defection; first we grant that hearing of a common report may be a ground of enquiry concerning a matter of scandall; but this was not refused about the present case in question. Secondly, As for that cited from the 1. Cor. 5, 1. that proceeding ordered there, was an order to present censure; so we may see that the Brother that writeth this, is of that minde, that the Commissioners upon that common report which he alleauegeth to have been passing upon them, should have been without more ado sentenced to censure, Good Sir, hold your hand, for my part I cannot wonder enough that he should have alleadged from the Apostles words so generally without any qualification, that common report may be a ground of present sentence against persons, as he doth here certainly this ought to have been well qualified and limited, otherwayes a wide door is opened to injustice and undoing the innocent and guiltles men; for, cannot one or two, or some few ill tongues spread an ill report of very honest men, and how easily shall that report become common, if that of the Poet be true, as it is most certainly,

Fama malum quo non aliud velocius ullum,
Mobilitate viget, versoque acquirit eundo.

Therefore a common report that may be ground of so short and summ ry proceeding, must be such as first is of a matter that in point de jure is clear and unquestionably a scandall. Secondly, For the fact in a manner universall, uncontrolled either by the party, or any that hath best and nearest notice of his actions, both were in that matter of the Corinthian, the matter was in jure clearly a hainous crime, Incest, viz. having his fathers wife, and for the fact, the Report that had come to Paul was such as we have said, omnino auditur, as the Arab interpreter marked by Beza hath it, passim & in tota achaia; and another interpreter on the same place in Marlorat. q. d. Sine negatione sine tergiversatione non dubius est rumor sed res manifesta, passim cum magno offendiculo publicata. In the present case in hand, both confessions were wanting, the matter was not clear de jure in the main question of it; its report was not so common as the contradi-

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tion thereof. 3. the offence and stumbling of the godly, at the Proceeding of the Commissioners might have been, and was indeed not given by these Proceedings of themselves, but caused and born upon them by the information, and mis-representation of them, by some of the same persons who are the alleaders and accusers, and will be made good before any impartiall judge in the world, by a right information and discovery of the Proceedings themselves, and of the practisings of the accusers against them, and therefore there can be no argument of the Commissioners being under scandal. 4. There were more testimonies by very far from Presbyteries and Synods for them men against them, and these testimonies given against them were really and in themselves scandals, tending most evidently to the exposing of the Kingdom and Cause to the power of the invaders, whereof the invaders themselves were very sensible, and for that cause were some of the testimonies sooner put in their hands then communicate to the Commissioners, and they in thankfulness was very carefull to cause Print them. The third particular is a poor mans argument, the begging of the very principal Question, and this very begged Question is the onely main sum of this whole Paper repeated over and over again, this the Assembly was to try and examine, and till it was tried, a nay-say was good enough answer to this Affirmative. 6. The Brethren who in the Assembly offered to prove the alleadgance, were some of the same who had been chief in spreading the testimonies, and bearing the offence upon the godly, and had defamed the Commissioners, and were interested to have had them noted as under scandal; its against all equity that for the accusation of such they should have been reputed scandalous, It was a word of Justice uttered by Ham an otherwise wicked: Julian the Appostate, Quis innocens esse poterit si accusare sufficit.

REVIEW.

THe Author doth handsomely wave many things in the Writers Paper that are of importance, and I think his Readers will do him no wrong to take for granted in that Paper, what he doth not answer nor contradict: What is there set down clearly and at large by the writer out of the Acts of the Gen. Assembly, he turns off with a few words. 1. He tells us it had been good that the writer

ter had set down the very Acts which are cited in their full and formall words (because every one are not Keepers of the Registers, nor have not Coppies of them beside them) that it might have been seen whether they mean that all persons against whom any scandall is alleadged, should be removed even before the Assembly be Constituted into a Judicatory: To which I Reply, that these Acts even in the full and formall words thereof were offered unto him & others at the Meeting at *S. Andrews* under the Clerks hand, and they would not do so much as daigne themselves to hear them, or to read them, or to collation them with the Principle Registers which they then had in their power, but are now delivered into the hands of the English, or dispersed, I know not whether. But are not the citations for the matter clear and home to the point? If the Author think there is wrong done in any of them; I believe if he will call to the Clerk of the Assembly, he may yet find the means to get him the double of the very words of the Acts asserted under his hand; It is true that every one is not a keeper of the Registers, nor hath Copies of them besides us: But shall they not therefore be trusted who are keepers of them? or have Copies; It had been belike good for the Church of *Scotland*, that the Author & some others who have been so actively instrumental for the Publick Resolutions had been keepers of the Registers, or had had Copies of them beside them, then haply knowing these things more perfectly they should not have walked so crosse thereto in their late Proceedings, nor have questioned them when they are cited. It is certainly a thing blame worthy in not a few Ministers of the Kirk of *Scotland*, that they are too great strangers to the Acts of Assemblies of the Kirk, which is a fault so much the greater, because there was no lack of opportunities these 14. years to have acquainted themselves therewith, and to have had Copies of them besides them: The Acts are veiled with no such mist as the Author would cast upon them, either in the first particular which he mentions, whether they mean all persons against whom any scandall is alleadged should be removed even before the Assembly be constituted; or in the second, that it cannot be meant by them that alleadgance of scandalls against persons should be cause to remove, unless the scandall were clear and unquestionable, for the point *de jure*, they speak clear & home, that at the entry of every Assembly their first work shall be the trying and purging of all their Members, and

men are appointed to be charged in Gods behalf to declare their Conscience touching their Doctrine, life and execution of their Officers, if therein they be scandalous; and that any to whose charge any thing is laid ought to be removed out of the Assembly, till this cause be tryed, and that if he be convict, he may have no voice untill the Kirk receive satisfaction. Here is no distinction of questionable hypothesis, nor allowance to him to sit before the tryall of his cause, but when any other of the Commissioners to the Assembly charges him with any thing, in his Doctrine, life, or execution of his Office, he is to be removed till it be tryed: But saith the Author, it is not clear that this is to be done before the Assembly be constitute into a Judicatory, which was the thing pretended by the Protesters, and because not done, was the cause of this quarrell. This is clear that they are to be removed immediately after they are charged with any thing, untill they be tryed, which was the thing refused by the Assembly) and therefore if the objection be moved before the constitution, they are to remove before the constitution of the Assembly. 2. It is clear that this is appointed to be their first work, at the entry of every Assembly, and if any would say, That the Assembly must first enter by being constitute, I give these two things for clearing, that it is meant before the constitution: First, because this Act and practice which concerns the purging of the Assembly from scandalous persons is previous in time to the Act and practice of choosing a Moderator, as will be obvious to any who looks upon the Records: 2. Because it hath been the constant practice in all the Assemblies of this Kirk from the very first Reformation, to propound exceptions of scandall, and to remove persons upon proposing thereof, before the choice of a Moderator, as also obvious in the minutes almost of every Assembly, and cannot but be known to the Author, and all such as have been frequenting our Assemblies, and observing the order thereof, and therefore the Author doth but seek out inventions to darken clear and manifest truths: To the answer which he brings to the grounds of proof brought by the Writer, as to the matter of scandall, I return these replies: That by granting that the hearing of a common report may be a ground of enquiry, if he deal candidly therein, according to the meaning of the place cited by the Author, *Deut. 13. 14.* It must be of diligent enquiry, for so it is expressed there, Chapter 17. v. 4. and 19. 18. which imports.

imports that it should be an enquiry without delay, but this was refused about the present case in question, and notwithstanding of this common report, and objecting the scandall thereof in the Assembly, the enquiry was delayed untill the Assembly was constituted, and no more diligence was used in it, than if there had been no such report at all; he doth injury to the Writer, by labouring to bear upon him and upon others, that he is of that minde, that the Commission upon that common report which he alleadges to have been passing upon them, should have been without more ado sentenced to censure. The utmost that the Writer all along hath pleaded in this hath been, that the Commissioners ought to have been removed till their carriage were tried: But two grounds he layes to prove this to have been the Writers minde: 1. That the Proceeding ordered, 1 *Cor.* 5. 5. was in order to present censure, 2. That he alleadgeth the Apostles words so generally, without any qualification, I shall not stand upon the first, but the Writer not being upon the handling of that point, what common report, or how qualified, was needfull to be a ground of sentence, but onely shewing that sometimes common report may be so; he thought it enough to cite the Apostles words without qualifying of them, and if the Author will make this a ground of challenge against the Writer, he may make it against the Apostle himself, for he sets down the words generally, without any such qualification, and the Writer doth not extend them to any other case then that of which the Apostle is treating: He only saith that common report is made a ground of proceeding against the incestuous *Corinthian*, without making any application of it to the Commissions case, or saying that it should also be a ground of proceeding against them; if it be asked to what purpose then it was cited, the answer is very obvious and clear from the whole drift of the Writers discourse, which is to shew that the persons objected against, were under a scandall, and this he doth: 1. By shewing that there was a hear-say and common report of it, upon which the Scriptures layes so much weight, as sometimes to make it a ground of tryall: As *Deut.* 13. Sometimes a ground of proceeding, as 1 *Cor.* 5. It is true that the Scriptures doth not make every hear-say and common report a ground to scompt men under a scandall, or to proceed against them, otherwise honest men indeed might be in an ill condition, but the qualification

lification of these things are to be drawn from the circumstances of the facts whereunto they are applyed, and of these we have spoken in the fact of the Commissioners, and therefore the Author in this particular doth but trouble himself and others without cause, yet must I say, that though for any thing I know or can be collected from the writers words, the utmost that he pleads for being a delay of their admission to be members of the Assembly, which could not be accounted a sentence against them, more then against others, who were delayed upon exceptions to be admitted, that his meaning was not, That the common report that past upon the Commissioners, was sufficient to be a ground of present sentence against them, yet when the Author hath treached himself to the utmost, he hath proven no good advocate for the Commissioners to exeeem them from present censures: He tells us that a common report that may be a ground of so short and summary proceeding, must be such as first is of a matter that in point *de jure* is cleary and unquestionably a scandall. 2. For the fact in a manner universally uncontrolled, either by the party, or any that hath best or nearest notice of his actions; in the present case (saith he) both these cases were wanting, the matter was not clear *de jure* in the main question of it, its report was not so common as the contradiction of it; But I say, the matter was clear *de jure* in the main question of it determined *verbatim* in former Acts of Assemblies; and the fact was not at all controverted or controlled by any, but taken with both by the party, and known and acknowledged by these that had best and nearest notice of their actions: The quality of the fact might be controverted, whether right or wrong, which is a point belonging to the *jus* of it, but the fact it self was not contradicted, either by the Commissioners, or any other, and his *omnino auditur*; and *passim & in tota achain &c.* and *res manifesta passim cum magno offendiculo publicata*, as to the matter of fact was true of that which the Commissioners had done; the offence and stumbling of the godly was not cauteless & born upon them by the mis-information and mis-representation of the Commissioners proceedings, by some of the same persons who are the alleaders; the Author there doth a double wrong to the godly in Scotland: 1. That he makes them to have stumbled without a cause, whereas there was very real causes of stumbling given unto them, both in regard of that which was done, and for the manner

maner of doing. That which was done was, employing of the whole Body of the Land promiscuously (a very few persons being excepted) amongst whom were many Malignant and dis-affected men, who had been formerly excluded, and with whom the Lords people in the Land had learned from the Word of God, and from the constant tenour of the doctrine of all the faithfull Ministers of this Church, to keep a distance as to employing them in the defence of the Cause and Kingdom; As this was a main occasion of contriving the League and Covenant, so is there a speciall Article therein relating thereto; the breach whereof was one of the speciall and main sins confest in the Solemn acknowledgment of sins, and the contrary duty, one of the main things to which we engage our selves in our solemn Engagement. It is true, that the Commission having done this, & finding many to stumble, did afterwards finde out some evasions and distinctions to save their own credit; but the contradiction between their resolutions and former principles & proceedings, was *prima fronte* so palpable and obvious, that men of all sorts, both well-affected and ill-affected, did see it so, as the one did rejoyce, and the other mourn; the Godly did not more stumble then the Malignant and prophane were glad, and both the one and the other as to the generality of them, did then, and do at this day agree in this, That the publick Resolutions are not agreeable to former principles and proceedings. There was cause of stumbling given also to the Godly in regard of the Commissioners their manner of proceeding, because a Quorum very few moe of the Commission did lay the foundation of these resolutions, not only without the rest of their number, but also without advertising a great many of them: And so many being absent and not advertised, they did in a day or two determine that most grave case, which had often before that time been determined in the negative, and sent abroad their Determinations to Presbyteries, requiring obedience, and upon mens offering the grounds of their dissatisfaction, and professing their adherence thereto, till satisfaction should be given, did issue such Warnings and Acts as we have formerly spoken of. I appeal the Author himself, whether at the time of the giving of the Answer to the Quære, it was not known to the Commission, that many godly and faithfull Ministers and Professors in the Land, were averse from employing these men in the

the Army, and had great scruples about it; and that many Members of the Commission, who were not to be despised, had often profest their dislike of it; albeit the matter had been lawful, surely there was great precipitancy and rashness in the first Resolution, which is acknowledged by sober men, even of the same judgment; but such was the zeal and forwardness of the Court, and of some Parliament men on the one hand, and the readines of sundry of the Commission (who had before that time declared themselves for that way) on the other hand to hearken unto them, and the faintness of any that were present to oppose it, that hold was taken of the opportunity to do it *quovis modo*, whereby real offence was given to the godly in the Land; *Si quid importuna levitate, aut lascivia, aut temeritate non ordine nec suo loco facias quo imperiti imbecilles offendantur, scandalum abs te datum dicitur, quoniam tua culpa factum fuit: ut ejusmodi offensio suscitaretur, ac omnino scandalum in re aliqua datum dicitur cujus culpa ab Autore rei ipsius profecta est:* are the words of a great Divine, speaking of scandals very applicable to this case. Next he doth a wrong in making them so ignorant, simple and facile as in these things to be led away, with the mis-representations and mis informations of others: Many of the most judicious discerning Christians in the Land were stumbled at the Commissions proceedings, upon the first hearing of them; & before the Protesters did make either right or wrong Representations of them: I will not say but they were confirmed in the dislike of these proceedings, by conference with the Protesters & other Ministers of that judgment, as they also were mutually edified and confirmed by them, but that all the stumbling and dislike did arise from the suggestions and practisings of some or all of the same persons, whom the Author calls the Alleadgers and Accusers, is not true; yea, I dare say, that albeit all the Protesters, and all the Ministers in *Scotiana* had been of one mind with the Commission in the matter the Publick Resolutions. yet many of the godly in *Scotland* would have stumbed thereat: It would have been in this case as in the business of the Treaty, wherewith many of the godly in *Scotland* were dissatisfied, notwithstanding that there seemed to be a harmony and consent amongst the Ministry there anent. That there were more Testimonies for the Commissioners from Presbyteries and Synods then were against them is no great wonder; multitudes commonly inclining to the worst side in the day of temptation, and they being

but few who keep their garments pure: yet did not the strength of the Testimonies upon the one hand or on the other ly in the number of the Witnesses, but upon the truth and clearness of their Evidence: what was testified by the opposers of the Commission was confirmed by clear Evidence from the constant Doctrine of this Church grounded upon the Word of God, and set down in the Covenant and Solemn Acknowledgment of Sins, and Engagement to Duties, and Publick Warnings, Declarations, Remonstrances, &c. but not so much as a tittle of these for Evidence on the other side. It is acknowledged by the Author himself, That the Publick Resolutions was a case not formerly determined by any Publick Judgment of this Kirk, and if so there could no evidence be brought from the Doctrine of this Church for clearing and confirming of these Resolutions. The Author is pleased to call the Testimonies given against the Publick Resolutions, really and in themselves Scandals, tending most evidently to the exposing of the Kingdom and of the Cause to the power of the Invaders: He was pleased a little above to call them Slanders, and so all the godly in *Scotland* who speak against these Resolutions are upon his account Slanderers. But these Testimonies, were neither Slanders, nor Scandals, they did contain real Truths, and were Duties to which the givers of them were obliged in a backsliding time for delivering of their own souls, and preferring the Cause of God from being overborn with a spite of defections and though in many things they acknowledge themselves to be amongst the most sinful, yet in this they were so far from exposing of the Kingdom & Cause to the power of the Invaders, that they hold themselves bound to bless the Lord while they live who gave them mercy to be kept free from that carnal sinful course that did provoke the Lord to give so great a stroke to the Kingdom and the Cause, in those dreadful Rods wherewith he hath smitten us since these Resolutions. What was the sense that the Invaders themselves had of this, I do not well know, but this it's like enough they joyced in our Divisions: But it was not the opposing of the Publick Resolutions wherein they did directly joyce: Nothing from us-ward would have been matter of so great terror to them, as to have seen us unanimous in separating from, and opposing of all Malignant Interests: As it was upon the other hand, the matter of their confidence and joy, that their former quarrel seemed to be justified by the Publick

lick Resolutions, which did so much strengthen and promote Malignant Interests, if we may believe their own Expreidions and Letters, written from some of the Chief of them to the Higher Powers in *England*. He tells us, That for that cause some of the Testimonies were sooner put into their hands, then communicated to the Commissioners; and they in thankfulness were very thankful, to cause print them. This is a crimination of no smal consequence to the Name and Fame of these of whom the Author speaks; and therefore if he had dealt candidly and spoken truth upon perswasion and evidence, he should have told us of what Testimonies he meant, and who it was that put them into their hands, that these men might have been wored & known. I doubt not but if he could have done it, he would have done it, seeing he spares not to put Imputations upon men by Name and Surname, when he conceives himself to have any ground for it, and that it will bring any advantage to his cause. But whilst he would fain render some of the opposers of the Publick Resolutions, odious, and yet hath not ground upon which he can confidently do it: He speaks so indefinitely some of the Testimonies were put &c. neither telling us what Testimonies, nor by whom they were put in their hands, that if he be challenged for it, he may have a shift to make his retreat. But I doubt that this way of defaming his neighbors will be found straight before God. If I may conjecture of what Testimonies he speaks, it seems to be the Letter of the Presbytery of *Stirling*, for that, so far as I know, was the only Testimony printed by the *English*; and if he mean of that, he speaks untruly, when he saith, that it was sooner put into their hands, then sent unto the Commissioners; I can confidently assure him, and all others, that it was sent unto the Commissioners, before any copy of it was given, or sent to any who were not Members of the Presbytery; and I can as confidently say, That none of these had any hand directly or indirectly in conveying that Letter to the *English*: The man amongst them who was most slandered hath given me warrant to say, (and I trust that he will abide by it) That his conscience doth bear him record, that he was innocent of that, as of all things of that kind; and that to this day he knows not how that Letter was put into their hands, unless it was by occasion of intercepting the Copie thereof by the *English*, with Mr. *Andrew Ker* the Clerk of the Commission; his Servant who was sent over the Water to some

of his friends unto *Edinburgh* from *Perth* immediately after that Meeting of the Commission, to which the Letter of the Presbytery of *Sterling* was sent. That the *English* did print these Testimonies is no great wonder: it is very like that they would print any thing that did hold forth our defection, and owning of the Malignant Interest. The Third Particular is in the Authors Judgment, a poor mans Argument: But poor men, through mercy, oft-times obtains more solid discoveries of Divine Truths in a day of tentation, then the Learned and the Rich do: Neither is it yet a begging of the principal Question, because what was offered in this, was offered to be instructed out of the Registers; and they who made the offer were Members of the Assembly, who in conscience and duty, and by the Acts of the Assembly which relate to the Constitution thereof (as we have already shown) were bound to declare their conscience, touching others who were called to be Constituent Members thereof in their Doctrine, Life and execution of their Office; and for the point of that Interest it is the same thing that was objected by the Remonstrants against the Anti-remonstrants at the Synod of *Dort*; and by the Prelats in their Declinator 1638. To which we return no other Answer, but that of the Britane Divines at *Dort*, *Veritas communis Ecclesie Thesaurus est, nec potest ullo pacto fieri peculium, singularum personarum, Dei & Ecclesia Publica causa est non sua cuiusq., que in Synodis agitur.* In the close of this discourse, as all along, he speaks of these who moved this Exception, as of the Commissioners Accusers, and cites that of *Julian*, *Si accusasse sufficiat quis innocens erit.* But that they were not Accusers, neither yet to be called so, I have already shewed. Why should they be esteemed, or called Accusers more then others, propounding Exceptions against Constituent Members of the Assembly? neither was it ever desired that the propounding of the Exception should be taken for a verification of it; or to speak in the Authors language, That the accusing of them should be the holding of them for guilty; but only that the Commissioners should be removed from sitting as Members in the Assembly, till the Exception were tried; and therefore that of *Julian* can have no place in this case.

VINDICATION.

IT is alledged by the writer, That the same Assembly at St. Andrews upon the like exception and objection, others were removed from sitting as Members, as Blacketer and others, because the scandal of their accession to the unlawful Engagement was not sufficiently purged, &c. and he would have any man in the world give a reason why these were excluded, and not others, against whom were as relevant, yea more relevant exception. Answer. I think any man in the world that hath common sense informed of both Cases may give a reason, and may perceive that the writer hath been rash when he hath wrote these words upon the like Exception and as relevant, yea more relevant Exception: For Blacketer and others: 1. Their scandal was clear in the Law. 2. They had been convicted of the fact. yea, 3. They had been actually censured, and were yet lying under the Censure. 4. A part of their censure was exclusion from being members of Kirk Judicatories. 5. There was one expresse Act of a Gen. Assembly, That they should not be liberat from that censure, nor be capable to be members of any inferior Kirk-Judicature until their satisfaction should be first notified unto, and approved by a Gen. Assembly. Now let any man in the world tell me if the exception against the one and the other was alike, or if there was more relevancy in the exception against the Commissioners, then in the exception against these for their Exclusion from being Members: the matter of Exception might haply (considered in abstracto,) be of greater importance; but we speak now of the exception in relation to Persons and Circumstances as it is to have effect or not, to have effect upon the Judge for Censuring and Noting, or not Censuring and Noting the Persons.

R E V I E W.

THe Author in Answering the Instance concerning Blacketer, seems to himself to have gotten a great advantage of the Writer his rashness; but though his advantage were as great as he takes it to be, in that particular, it would not better his Cause, because multitudes of Instances can be given from time to time in the

the Gen. Assembly of this Church, of removing persons upon exceptions of scandal before any conviction of the Fact, or censure for the same; yea, in the same Assembly 1651 several persons were laid aside upon exceptions before any legal conviction or sentence past upon the fact, as the Commissioners of some Presbyteries, who were protested against because of opposing publick Resolutions: And the Commissioners of the presbytery of *Dursey*, whose Case was not cleer in Law, neither yet legally found true as to the matter of Fact. But let us see what it is that he hath gained in the Instance concerning *Blaketer*. It is agreed on all hands, That *Blaketer* upon proposing of one Exception against him, was removed: the matter then is, To give a Reason why he was excluded, and the Commissioners admitted notwithstanding of exceptions proposed also against them. The Writer saith, No man in the world can give a Reason of it, seeing the exceptions on the one hand were as relevant (if not more relevant) then the other. This the Author opposes, That they were not so relevant: and he brings 5. Differences for proving of it, which may be all reduced to these Two, 1. That the scandal of the one Case was cleer in Law, but so was not the other. 2. That for matter of Fact, there was Conviction and Censure put upon it; but to pass that the Assembly did not give any the least intimation or hint that in excluding the one, and admitting the other, they found these Differences of which the Author speaks. I Answer, The scandal of the Commissioners Case was also cleer in Law, unless we will deny that the same Laws which condemned conjunction with, and employing of Malignants for the time past, do also condemn them for the time to come, *Tempora mutantur, et nos mutamur in illis*: But Duties commanded by God, and Covenanted by us; and Sins prohibited by God, and engaged against by us, are the same in the year 1648, and in the year 1651. As to the matter of Fact, if *Blaketer* was before that time particularly convicted and censured, this is indeed *cautem*, a difference betwixt the one Case and the other: but the Author hath alleadged that, without bringing any evidence of the truth of it, and I believe it shall be hard for him to do so. Some who are Members of that Presbytery, whom I have enquired concerning this businesse, do profess, That they do not remember of any formal censure past upon him for his subscribing the band 1648, neither did the Assembly at *St. Andrews* at the time of the proposing

ning of that Exception, give any intimation that they did remove him, because he had been already convicted and censured for that Fact: But the Exception being relevant in Law, and the Fact as to his particular concernment therein being alleadged by one of the Meeting, the Assembly did lay him aside until it should be tryed, without further enquiring of the business at that time.

V I N D I C A T I O N.

WE said we would not follow the several Objections wherewith the Writer meets, nor need we; only there is something in the Answer to the Fourth Objection, whereto we shall speak a Word: It being Objected by the Writer himself, or some other (it matters not by whom) That the Exception could not be taken into consideration until the Judicatory was first constituted, and a Moderator chosen, and that therefore it was not against the freedom of the Assembly, that they did refuse to fall upon it before that was done: He Replies to, a. he would seem to fasten sundry points of enquiry upon the Assemblys carriage in this matter; if I say he, the Assembly had immediately upon the choosing of the Moderator fallen upon the tryal of that exception, and removed there excepted against, it would not have looked, though it might have lessened the strength of the Argument, but even after that they were allowed to sit as Members, and so be Judges in every thing else, many days together, before the Judging of that Exception: nay, which is more, before their proceedings were approved, they sat as Judges to give vote and sentence upon the very Exception proposed against themselves, the same being one of the principal reasons of the Protestation which were condemn'd before these proceedings were approved: yet that would not, I say he, looked the difficulty, because the thing desired was not the trial and discussing of the exception instantly before the choosing of the Moderator, but that (as it was done to other Members excepted against) so these should be laid aside until the Assembly were constituted and take the same into consideration: Thus the Assembly veremprorily refused, and permitted them to vote which was in effect to reject the exception, either as not relevant, or as false both which were absurd, the former would have been to contradict clear lights of Reason: the latter had been to approve

approve the proceedings before their tryal or hearing what was to be said for verifying the exception: Answer, we stay not much upon the objection, but especially what is said here to render the proceedings of the Assembly odious like in this matter. 1. The Assembly immediately after the choosing of the Moderator, did fall upon the tryal of that exception, having set apart a Committee for that very purpose to go about it with all diligence & that the Commissioners did in the mean time sit & vote in the Assem. in other matters for sundry dayes, was, because the Assembly could not adjourn and be idle all the time that that Committee was to be upon that business, and it had been the constant practice of the preceeding Assemblies since 38. to admit the preceeding Commissioners to sit and vote in other matters during the time that their proceedings were under tryal and examination: yea, even when exception hath been made against them as is evident in the Assembly 48. Secondly in that which is brought in as an absurdity with a quod majus est, that before their proceedings was allowed, the Commissioners did sit as Judges upon the very Objection proponed against themselves, it being the principal reason of the Protestation, that containeth a gross Paralogism which can beguile none but such as are too simple, and too willing to be beguiled, since in judging the Protestation (whereof a reason was the exception against the Commissioners sitting in the Gen. Assembly before the tryal of their Proceedings, Judgment was not given upon the truth or falshood of the thing contained in it, whether the proceedings of the Commissioners were right or wrong, contained in them a course of defection or not: but only, whether the Assembly refusing to remove the Commissioners when it was alleadged against them in the way that it was alleadged, and before the alleadgance was tryed did any thing contrary to the duty and freedom of the Assembly, or if the Protesters did wrong the Assembly in declyning it upon that ground, now for the Commissioners sitting and voting as Judges in this matter, was no irregularity, or else the Assembly 48. also was irregular, wherein as the Protesters may well remember, the Commissioners voted as well as other Members upon the relevancy of the exception given in by the Parliament against themselves; and the truth is, Their voting in that matter of the Protestation, being no other thing but that which we have said was no prejudice for their advantage in the matter of their pre-

proceedings for their allédgance of their carrying on in their proceedings a course of defection at the time & in the manner that it was allégd, might have been found a non-relevant exception, for their removal from being members. before the tryal of their proceedings, and consequently the refusing to admit it as an Exception to that effect a non-relevant ground of Protesting against the Assembly, and yet haply afterwards their proceedings might be judged to be such indeed as they were allégd to be, without any crossing and contradiction between the one Act and the other.

R E V I E W.

THE Author studies in this place to take off some things allégd by the Writer in order to the proceedings of the Assembly, but let us see how he doth it: 1. It is yeelded that notwithstanding of the Exception proponed against the Commissioners, they were not only admitted to sit and Vote in the choice of a Moderator, but also afterwards in every thing that came before the Assembly for many dayes together before the trying of their proceedings; yea, that before that tryal they sat as Judges to give vote and sentence upon the Protestation, one Reason whereof was the Assemblies refusing to remove them, till the Exception proponed against them should be discusd; for the defence whereof he allédgés, 1. That the Assembly immediately after the choice of the Moderator, did fall upon the tryal of that Exception: but as that was not enough, because by the Acts of the Assembly already cited, and constant practise of Assemblies in the matter of Exceptions; Persons excepted against, are immediately to be laid aside till the matter be tryed: So was it also defective in this, That during the time of the tryal, the Commissioners did sit and Vote in the Assembly. 2. He saies, That the Assembly could not adjourn and be idle all the time that the Committee was to be on that business: but could not the Assembly have sitten, and be employd about business, unless these who were Members of the Commission did sit and vote in such business as came before them? were they Members *sine quibus non*? 3. He allédgés, That it had been the practise of the preceding Assemblies since 38. But neither doth that loose the difficulty, because in none of these Assemblies was there any Exception proponed against the Commissioners, nor was there cause

for it: He is mistaken in his Instance in the Assembly 48, as we have already cleared, and therefore he must seek for another Defence. But in that which follows, he plaies the accurate Logician, and finds the Writer in a gross Paralogism, which he thinks can beguile none but these, who are too simple, and too willing to be beguiled. I would not willingly be beguiled, yet I must profess myself so simple, that when I have put on the Authors Spectacles, and looked throw them as attentively as I can, I cannot discover the Paralogism nor the Sophistry thereof, but to me it still seems to be a plain and convincing Argument. The Writer alleadges, That the Members of the Communion sate as Judges to give Vote and Sentence upon the Exception proponed against themselves before the Assembly did judge of their proceedings; and he brings this for proof of his alleadgance, That before any Judgment given against their proceedings, they sate as Judges upon the Protestation, whereof the rejecting of that Exception was a special Reason. To this the Author Answers, That it is a Paralogism, because the thing which was judged, was not the truth or falshood of the thing contained in it; to wit, Whether the Commissioners proceedings were right, or wrong; but only whether the Assembly refusing to remove the Commissioners when this Exception was alleadged against them, in the way that it was alleadged, and before the alleadgance was tryed, did any thing contrary to the freedom and duty of the Assembly, or if the Protesters did wrong the Assembly in declining it upon that ground, I shall not now trouble my self to prove that by judging of that Reason of the Protestation they did judge of the proceedings of the Commissioners right or wrong, because this will fall in afterwards, more directly in the last Argument; but taking what the Author grants, I Reason thus, Who so judges of the relevancy, or non-relevancy of one Exception in order to their own sitting, or not sitting Judges of one Exception against themselves: But the Commissioners before the approving of their proceedings did judge of the relevancy, or &c. *Ergo*, the First Proposition is clear, and may be illustrated by Instances. I suppose the Author in one assembly should object against some men that they cannot sit as Members till they be tryed, because they are Papists, or Murderers, or Adulterers, which he offereth to instruct, and when the Assembly comes to judge upon the point & exception relevant or not relevant to remove these men, if these men

them-

themselves should sit and Vote in this question, were not this to admit them to be Judges of one Exception proponed against themselves. The Second Proposition is the Authors own grant, for besides other things to that purpose, he saith, The Commissioners sitting and Voting as Judges in this matter was no irregularity, or else the Assembly 48 was also irregular, wherein the Protesters may well remember the Commissioners voted as well as other Members upon the relevancy of the Exception given in by the Parliament against themselves: Well then, the Commissioners in the Assembly, 51. did Vote upon the relevancy of the Exception given in against themselves. If any would deny it, it is easie to prove it thus, Who so were admitted to judge of the relevancy or non-relevancy of the grounds of the Protestation were admitted to judge of the relevancy or non-relevancy of that Exception, because it was one of the main grounds of the Protestation: But the Members of the Commission, &c. *Ergo*. The Author, or some others, will haply think, What need all this? it is granted that it was so, and the thing that is denied is, That they did not sit as Judges to give sentence of the right or wrong of their own proceedings: Perhaps ere all be done, we shall also find them doing that, but if it be granted, That they did judge of the relevancy of that Exception, all is granted that was alledged by the Writer, to wit, That they sat as Judges to give Vote and Sentence upon the very Exception proponed against themselves; and so he hath committed no Paralogism, but by the Authors own concession which he cannot get avoided: It is proved that the writer did alledge which was not that they did judge of the right or wrong contained in the exception (though that also might have been alledged) but that they did judge of the Exception proponed against themselves, before any judgment given by the Assembly upon their proceedings; and now its granted that they did judge of the relevancy thereof, as to their sitting or not sitting; and was not this to be both Judge and Party? who then is guilty of the Paralogism the Writer or the Author? The Writer saith, They were admitted to judge of the Exception proponed against themselves; and this by the Authors grant hath a real truth in it, because they were admitted to judge the relevancy or irrelevancy of it as to their sitting or not sitting (yea the Commissioners did oftner then once judge this before their proceedings were judged by the Assembly. First, They judged it at the first proponing

and rejecting thereof by the Assembly before the choice of the Moderator, for none of them were then removed, neither was less weight laid upon what was spoken by them, as to the rejecting of that Exception then upon what was spoken by any other Member of the Assembly who was not questioned. 2 They judged it in judging of the Protestation, at which time they did approve of what the Assembly had formerly done in rejecting of it, and did condemn the Proposers of it, as doing wrong to urge it, and to decline the Assembly thereupon. The Author saith, They were not admitted to sit as Judges in that Exception, because they did not judge of the right or wrong of the things contained therein; and this is a *non-sequitur*, because they were admitted to judge of the relevancy thereof which did as well concern them, the exception being proposed against themselves, as the right or wrong of the things contained therein. But he alledgeth, 1 That this was no irregularity, or else the Assembly 48. was as irregular. He doth often make his retreat upon that Assembly when he is straited, but it will allow him no help in this particular, because there was no such exception proposed nor judged in that Assembly. 2 He alleadges, That their Voting in that matter of the Protestation, being no other thing then that which he hath said, was no prejudice or advantage in the matter of their proceedings, because the alleadgance of their carrying on in their proceedings a course of defection at the time, and in the manner that it was alleadged might have been found one un-relevant exception for their removal from being Members before the tryal of their proceedings, and consequently the refusing to admit it as one exception to that effect an un-relevant ground of Exception against the Assembly, and yet haply afterwards their proceedings might have been judged to be such as they were alleadged to be without any Crossing or Contradiction betwixt the one Act and the other. I suppose that all were true which is here spoken of, yet what is this to prove that they did not at all judge of the exceptions proposed against themselves: It is already yielded, That they did judge of it as to the irrelevancy of it for removing of them before trial. But that the determining of the one, did prejudice the determination of the other: Yea, go far to determine it, I prove First thus, If so be the exception as to the relevancy thereof did include many *Points de Jure*, the clearing and discussing whereof did belong most intimately and essentially to the verifying

or falsifying of the exception upon the matter it self; then did the determining of the one, bring a prejudice to the determination of the other, if not go far to determine: But the First is true, and agreeable to the Authors own words in the next Page of his Vindication. *Ergo*, also the last, The Connexion seems clear, because the determining of the relevancy or irrelevancy of the exception did also determine these points *de jure*, which did belong most intimately and essentially to the verifying or falsifying of the exception upon the matter; as for Instance, the Assemblies determining that the Protesters objecting against the Commissioners that their Resolutions did involve a course of defection was not a relevant exception whereupon to remove them, was also a determining of this Point *de jure*, that these Resolutions did not involve a course of defection, this did indeed belong most intimately and essentially to the falsifying of the exception upon the matter, and so to the prejudging of the determination; yea, to the determining of the other question: Or more clearly thus, If so be the exception could not be determined as relevant or irrelevant till the questionable hypothesis of the publick Resolutions was first determined, then did the determining of the relevancy or irrelevancy of the exception involve a determination of the right or wrong of their Resolutions: But the First is manifest from the Authors own words, where he saith, That the main and principal question *de jure* which should have been cleared that that scandal might have been charged upon the Commissioners was the particular hypothesis, if this scandal could not be charged upon the Commissioners, but by clearing of this hypothesis: How could the Commissioners be cleared of that scandal, and found such as were fit to sit in the Assembly notwithstanding of the exception thereof proponed against them without clearing that hypothesis. In these things I deal fairly and candidly so far as my light reaches, without detaining the truth in unrighteousness, or seeking to darken or pervert the same so far as my understanding doth teach; and I think I may refer it to the Consciences of these who Condemn the Protestation, and that exception as irrelevant if they would have so done but upon perswasion that the Commissioners proceedings were right, and if after the Vote of Condemning the Protestation, they could notwithstanding thereof have also condemned their Proceedings.

VINDICATION.

THirdly, Howsoever it be true, that the thing which was desired by the Protesters in the entry of the Assembly, before the choice of the Moderator was not expressly and formally the trial and discussion of the Exception given against the Commissioners; as to the truth alleged therein, 1. Whether the Commissioners indeed had carried on a course of desertion from the Covenant and Cause, but that the Commissioners should have been laid aside until the Assembly had been constituted to take that into consideration; yet certain it is that they having been chosen to have been Commissioners unquestionably by the Society they came from (and that some of them by the express vote & consent of some of the Protesters themselves, as Mr. Robert Blaire in the Presbytery, and Mr. James Wood in the University of St. Andrews, by Mr. Samuel Rutherford) and having a formal Commission, and so the Exception being personal (as in relation to that Assembly) and not propounded against their being Commissioners: But now in the Assembly convened of necessity, the Exception behoved to have been tried and discussed and judged, as to the relevancy of it, for their present removing, and laid aside until it should be tried and discussed as to the truth of the thing contained in it; for the Writer himself confesses, that every Exception upon alléadgance of Scandal is not a sufficient and relevant ground to that effect: Now there was a great Question about that Exception, namely, concerning a Question de jure belonging to it, as we have before cleared. Now tell me, if the Assembly before the Election of the Moderator, and before it was constituted into a Judiciary, could try, discuss, and judge that Question (which of necessity it behoved to do, ere it could be clear about the relevancy of their exception for their removing, because, as the Writer grants, the exception relevant to remove persons, must be *prima fronte*, clear in the Law) Certainly it could not, and therefore of necessity they could not upon that exception be removed before the election of the Moderator, and constitution of the Judiciary; As for their Members excepted against, and then upon removed, there was a wide difference, the exceptions against them were, as to the relevancy for their removing, in cases every way clear and determined before, in so far as was requisite for that,

to wit, *Protestations in Presbyteries against their election, standing censures excluding them from all Kirk Judicatories unrepealed.* So we see the exception wherewith the *Writer* meets here, may stand good with a little exception, viz. That no Exception questionable could be discussed until the *Judicatory* were first constituted, and the *Moderator* chosen; and therefore it makes nothing against the freedom of the late *Assembly*, that before it was constituted, and the *Moderator* chosen, the *Commissioners* were not removed upon the Exception made against them, because the relevancy of the Exception was questionable in many points de jure belonging therunto, being controverted, at least not prima fronte: The clearing and discussing thereof did belong most intimately and essentially to the verifying or falsifying of the Exception upon the matter it self, wherewith a meeting not constitute into a *Judicatory* could not meddle. 4. As to the *Writers* Dilemma in the end, That the refusing to remove the *Commissioners* upon the Exception made against them, was to determine, either that the Exception was not relevant or that it was false, and both were absurd. We Answer, it was indeed to be determined that it was not relevant in that circumstance of time when it was proposed for removing them off the *Assembly*; and whereas he saith this were to contradict clear reason, this is but a naked assertion, and we have cleared the contrary.

R E V I E W.

First, I desire it to be considered, That he yeelds that the thing which was desired by the *Protesters* at the entry of the *Assembly*, before the choice of the *Moderator*, was not expressly and formally (yea, nor implicitly nor materially) the trial and discussing of the Exception, as to the truth alleadged therein; but that the *Commissioners* should have been laid aside until the *Assembly* had been constitute to take the same into consideration, which clears 2. things formerly asserted, 1. That it was not desired that any sentence should be past upon the *Commissioners* by the *Assembly*, before the constitution thereof. 2. That the *Commissioners* (before the judging of their proceedings by the *Assembly*) did judge and give sentence upon the relevancy of a desire made against themselves, to wit, That they might be removed till their proceedings should be first judged. 3. I deny not but this Exception behaved to have been tried and discussed, as to the relevancy of it, so far as was needful for

for laying aside of the Commissioners till further trial: and to that which the Author saith, That it could not be done because it did involve a great Question *de jure*, which was yet questionable, and not clear; whereas it is yielded by the Writer, that the Exception ought to be relevant in Law, at least such as *prima fronte* seems relevant. I answer. That that Question was (*prima fronte*) relevant in Law, because *prima fronte* agreeable to the very letter of the Law. I may appeal to himself, if the Publick Resolutions do not *prima fronte* seem to be contrary to many things formerly express'd in the Acts, Constitutions and Publick Papers of this Church; and though he would deny it, yet sure I am all indifferent men will acknowledg it, that whatsoever may be in the matter it self, yet there is at least a seeming contrariety betwixt these: I shall remember him of the speech of a judicious and godly man (whose words are cited by himself in his Vindication in another case) who in a Conference at *St. Andrews* about the Publick Resolutions, when the Acts, Warnings and Declarations of the Assembly was objected against these Resolutions, said, *I confess that you have the Song of the Assemblies for you*: yea, in this thing that *prima fronte* it seems to be so, we have the universal consent almost of the whole Land, as well these who are for the Publick Resolutions, as those who are against them; else what meant that which was so frequent in the mouths of some of the Commission, and many others the last year, who when Acts of Assemblies and Publick Papers were objected, said, That some men who had hand in the penning of these Papers had upon design foisted in many things in them, which they now made use of against the Publick Resolutions; and that which was then, and is still frequently spoken by the generality of malignant and disaffected men in the Land, to wit, The Church is now come to us, and we are not gone to them. These things are more palpable and better known then that they can with any colour of truth be denied. But 3. Was not the Exception propounded by the Protesters against the Commissioners discussed by the Assembly, as to the relevancy thereof, before the election of the Moderator? Did they not, after the propounding of it, suffer the Commissioners to sit? which they could not have done unless they had rejected it: And how could they reject it, unless they had found it irrelevant? Was not the allowing of the Commissioners to sit, after propounding of, and debate upon that Exception, as real a judging

ging of the relevancy thereof, as the removing of other Commissioners upon Exceptions propounded against them, was a judging of those Exceptions to be relevant? yet, doth not he himself expressly say in answer to the Writers Dilemma, That it was indeed to be determined, that it was not relevant in that circumstance of time? 4. I see not to what purpose it is, that he tells us, That the election of Commissioners was not questioned in their Presbyteries, that some of the Protesters voted and consented to the chusing of them: That they had a formal Commission, and that the Exception was formal as to that Assembly, & not propounded against their being Commissioners, but now in the Assembly convened: What is all this as to the keeping of the Assembly from considering and discussing of this same? VVere there not others who had a formal and uncontroverted Commission, not objected against in the Presbytery, who yet upon personal exceptions propounded in the Assembly, were removed til these exceptions should be discussed and tried? And was it not as free to propound personal exceptions in the Assembly as in the Presbytery? and being propounded there, were they not of as great weight as if propounded elsewhere? And ought not the Assembly to have taken them in consideration? VVere they not *primo instanti*, the proper Judges of them, as well as the Presbytery? That some of the Commissioners were chosen by express vote and consent of some of the Protesters themselves, as Mr. Robert Blair in the Presbytery of *St. Andrews*, Mr. James Wood in the University of *St. Andrews* by Mr. Sam. Rutherford; it may be true, Mr. Sam. Rutherford his desire of Peace and testifying of respect to these men being such as it is, together with the hopes that he had of their being instrumental to accommodate things in a right way at the Assembly: but that hinders not why the Protesters might not war- rantably propound the Exception at the Assembly. Another branch is, That the Assembly had not as yet chosen their Moderator, and was not yet constitute, and therefore could not discuss that question, &c. But not to repeat that they did discuss the relevancy of other Exceptions, yea, of that same that was propounded against the Commissioners, as to their sittings, or not sitting till the matter should be further tried: It is to be considered, that if controverted Commissions and Members, upon Exceptions propounded against them, be laid aside till trial, which hath alwaies been the custom of the Assemblies of this Church. It is not so very material whether

he full discussing of the Exception be before the chusing of the Moderator or after it; there are practises and instances of both wayes; some Assemblies first discussing the controverted Commissions and Members, and then chusing the Moderator; others laying aside these things til the Moderator be first chosen; and then immediatly before the doing of any thing else, falling upon the discussing of them; though it seems the most regular way, that the controverted Commissions and Members be laid aside, the uncontroverted ones being a competent number, should proceed to the choice of a Moderator, and thereafter, before the doing of any thing else, put that to a point which concerns the rest of their constituent Members. In the case now in question both were desired, either to discuss the Exception, as to the truth or falshood of the alleadgance before the chusing of a Moderator; or else, to lay aside the Commissioners, and to do it immediatly thereafter: but both were refused, which was the more considerable, because the Exception propounded against them, was but meerly personal, or upon personal or particular scandals, but of more common concernment, and in things relating to the Cause, as breach of Publick Trust, defection from the Cause and Covenant, which did require consideration before the admitting these persons. I would ask the Author this one Question: Upon supposal that the Assembly after the Commissioners sitting and voting therein many dayes; yea, even in the condemning of the Protestation, and citing of the Protesters; should have found their proceedings to involve a course of defection from the Cause and Covenant, and therupon have removed and censured them: Could Beholders have looked upon this as a handfom way of proceeding, that they would not take into consideration an Exception deserving such things, when it was first propounded unto them, and offered to be instructed; but would judge the Exception irrelevant, censure others for protesting, because of refusing to accept of it: admit the Comissioners to be fellow-Judges in condemning that Protestation & after al this find these Comissioners guilty of the thing alleadged in that same very Exception when first proponed, & remove & censure them upon it; Are things handfom? or do they wel cohere? or can a tender eye look upon them without offence? How much fairer had it been, first to remove them, and presently or immediatly after the choice of the Moderator, to discuss the Exception? There is more danger to the Cause, & offence to God & his People in rash
admitting

admitting such as are guilty, then in cautious delaying even of innocent persons when legally challenged: If innocent, they may afterwards be admitted with more honour and respect; but if guilty, either they shall be continued Members with much detriment to the cause, or else shall be casten out with more shame both to themselves and to the Assembly, who at first refused to lay them aside till they were tryed. Because the Author saw that an objection might be moved against what he hath said from the Assemblies removing of other Members who were excepted against before the choice of the Moderator; therefore for preventing of it he tells us, that there was a wide difference, because the exceptions against them, were as to their relevancie for their removing, in cases every way clear and determined before, in so far as was requisite for that, to wit, Protestations in Presbyteries against their election, standing censures, excluding them from all Church-Judicatories unrepealed: To which I return these particulars; First, Some even before the choice of the Moderator were removed upon exceptions against whose elections there was no Protestation, and who were under no standing censure either of one kinde or another, to wit, Mr. Robert Candan Commissioner from the Presbytery of *Dunce*, who was removed upon this exception, that that Presbytery could not choose Commissioners, being so few in number as they were; here was no Protestation, the man under no censure, yea nor the ground of the exception clear and unquestionable in Law as to any act of any former Assembly, onely *primâ fronte*, it seemed relevant that two or three could not choose; therefore was he thereupon removed, though afterwards, (if my information hold) he was again (as seems upon not finding the exception not relevant) admitted. Secondly, Neither was a Protestation against the election, sufficient to make it clear upon the Authors grounds. I suppose that it had been alleaged, that the ground of the Protestation was not clear, but questionable; as to the relevancy of it by his ground such a Protestation against the election, would not have been enough to lay the Commissioners aside, till the matter had been tryed. To come nearer the case, let us suppose that some of the opposers of Publick Resolutions had in the Presbyterie or in the Universite of St. *Andrews* protested against the election of the Commissioners there, upon this ground, that these who were elected, were instrumentall in the Publick Resolutions, will the Au-

thor say, this had been sufficient to lay these Commissioners aside,
 from sitting as Members of the Assembly, till the matter had been
 tryed: If so, why then was not the propposing of that exception in
 the Assembly against all these who were Members of the Com-
 mission, and had hand in these Resolutions, sufficient to lay them
 aside: Or, if that be denyed, I would desire to know a reason of the
 difference, if it be said, that all the Commissions which were laid
 aside, because of Protestations against them, were such as were pro-
 tested against upon clear & unquestionable grounds. I answer, that
 it was not so, as appears by the instance already given, to which
 I adde another, to let see what partiality of proceeding there was
 in these things even upon the Authors own grounds: Did not the
 Assembly lay aside the Commission of these who were first chosen
 by the Presbytery of *Glasgow* upon this ground, that the Commis-
 sioners were opposers of the Publick Resolutions, which (if we
 may believe the Author) was yet a questionable hypothesis *in ju-*
re. Thirdly, I suppose that in these cases which (he saith) were
 clear, any persons interested should have objected; that the Prote-
 station was false and fictitious; or that their being under censure,
 was a meer alleadgance, or that the ground of the Protestation
 and censure was an hypothesis not yet determined *in jure*. I ask
 him, whether the Assembly in these cases, was to admit the per-
 sons, or to lay aside the Commissions, and remove the persons, till
 the matter should be tryed? If he say, they were not to be ad-
 mitted, then they behoved to refuse to hear all Parties interested,
 and to take a questionable case for clear and granted, before they
 hear and try which seems to be absurd. If he say, that they were
 to fall upon the discussing of questions and objections *hinc inde*,
 then I pray you, why not one questionable exception as well as an-
 other? Why not the questionable exception proposed against
 the Commissioners, as well as the questionable exception contain-
 ed in the Protestation against the election in Presbyteries? And
 if he say, that it was not absurd to lay aside the persons, notwith-
 standing of their alleadging that the Protestation was false and fi-
 ctitious, &c. but that the matter being questionable, they were to
 be laid aside till it should be tryed and cleared; then why not also
 the Commissioners upon the exception of a scandall of defection
 proponed against them notwithstanding of their denying thereof,
 and asserting the contrary, seeing (by his own ground) the mat-

ter was not yet clear to the Assembly, either upon the one hand or the other. By these things we may see what will come of the Authors conclusion, to wit, that no exception questionable could be discussed, until the Judicatory were first constituted; and the Moderator chosen; and that therefore it makes nothing against the freedom of the late Assembly, that before it was constituted, and the Moderator chosen, that the Commissioners were not removed upon the exception made against them, because the relevancy of the exception was questionable in many things *de jure*, belonging thereunto, being controverted at least, and not *primâ fronte* clear; the clearing and discussing whereof, did belong most intimately and essentially to the verifying or falsifying of the exception upon the matter it self; whereupon the Meeting not constitute into a Judicatory could not meddle; upon which Conclusion I ask these questions. First, If no exception questionable could be discussed untill the Judicatory were constitute, and the Moderator chosen, then, how did the Meeting at *St. Andrews* before the constituting of the Judicatory, and choosing of the Moderator, reject the exception proponed by the Protesters against the Commissioners, as not relevant to remove them, was not that to discuss an exception questionable; as to the relevancie of being a ground of removing or not removing. Secondly, I ask how it came to passe that they removed the Commissioners of *Glasgow* upon the exception of their opposing the Publick Resolutions, was not that also to discuss an exception questionable, as to the relevancie of being a ground, as before. Thirdly, If the relevancy of the exceptions was questionable in many points *De jure* belonging thereunto, the clearing and discussing whereof, did belong most intimately and essentially to the verifying or falsifying of the matter it self, how could it be judged and discussed as to the relevancy thereof, and yet this be no prejudice to a judgement upon the matter contained therein? or how could the exception be found non-relevant, and the Commissioners proceedings be also found to involve a course of defection. Fourthly, If the clearing and discussing of that exception had such connection with the matter of the Commissioners proceedings that first when it was proponed, it could not be judged before the judging of the questionable hypothesis of their proceedings, how came it to pass that the Assembly afterward did judge it, and admitted the Commissioners themselves to sit as judges

ges therein before the judging of that hypothesis. Fifthly, If the exception was so questionable *in jure*, how could the Assembly before the discussing of the Commissioners proceedings, so severely reprove the dissenters for proponing of it, and condemn the Protestation founded thereupon. These things to my weak understanding seems inconsistent, and such as ordinary Readers cannot reconcile. In the last place he labors to give answer to the writers *Dilemma*, to wit, at the refusing to remove the Commissioners upon the exception proponed against them, was to determine either that the exception was not relevant, or it was false, but both were absurd. His answer is, That it was indeed to be determined, that it was not relevant in that circumstance of time when it was proponed for removing of them from the Assembly, and this he denyes to have been absurd or to contradict clear reason, and tells us, that he hath cleared the contrary. When I had read these words again and again, I could not with any perswasion, fall upon the Authors meaning, his way of expression being dubious, he saith, *it was to be determined*, which makes me suspect that he may haply point at the determination which was afterwards made by the Assembly, when the relevancy of that exception was condemned in the Protestation: If that be his meaning, he hath but covered himself with fig-tree leaves, because the rejecting of it was the actuall determining of the irrelevancy of it, as to the being a ground of removing the Commissioners out of the Assembly; but if he mean that it was determined not relevant when proponed; I would know why it was not relevant in that circumstance of time, whether because of the matter contained therein, as not being relevant *in jure*, or because the Assembly could not judge thereof, the Moderator not being yet chosen, nor the Assembly constituted? If he say, not relevant upon the matter at that circumstance of time, then this non-relevancie was either because the exception was founded upon things done by the Commissioners agreeable to the Law, and so no matter of exception, but matter of commendation, or else because founded upon things questionable, and yet not determined *in jure*: Not the first, because that had been to determine the Commissioners proceedings to be agreeable to the Law before the trying of them: Not the last, because that had been to determine, that the proceedings of the Commissioners were not yet determined by the doctrine of the Church

Church of Scotland ; before the trying and judging of these proceedings. The truth is, the Assembly gave no such judgment upon that exception, nor no such reason of their rejecting of it; but the only reason that was spoken of, and did carry the business in the Assembly was, that the Assembly could not fall upon the tryall of it, the Moderator not yet being chosen, and the Assembly not constituted; & if this be the Authors meaning, when he saith it was indeed to be determined not relevant in that circumstance of time when it was proponed. It is no answer at all; First, Because the Assembly could have judged thereof before the choosing of the Moderator, other Assemblies severall times having so done; and this same Assembly did judge the relevancy of sundry exceptions, as to the laying aside of the Commissioners; yea the irrelevancy of this same exception by the Authors own concession in these very words; by what authority they could judge the relevancy of one exception, by the same authority they might have judged the relevancy of another, and by what authority they could reject it as irrelevant, by the same authority they could have discus'd it relevant or not relevant. Secondly, Because it was also urg'd after the choosing of the Moderator, but was not then condescended unto; but the Commissioners against whom it was proponed, were still allowed to sit as Members of the Assembly, without having any regard to that exception, which gave probable grounds to think, that the rejecting of it before the choice of a Moderator upon that pretext, was but a meer pretext: because a Moderator now being chosen, it was still rejected; and therefore rejected as *simpliciter* irrelevant, without reference to any circumstance of time, as appeareth by condemning it in the Protestation. But it may haply be said, That by the circumstance of time when it was proponed, he means all the intervall of time that was between the proponing of it, and the judging of the Commissioners proceedings. If so it was relevant in no circumstance of time, it being proponed merely in order to their removal for that intervall of time, when their proceedings were now approv'd and condemn'd, it would have been very impertinent and uselesse to propone any such exception. He would let his Readers know in what circumstance of time it was relevant. As to the removing of the Commissioners before judging of their proceedings; for if any circumstance of that time it was relevant, the Assembly did wrong

in not finding it to be so; and if in no circumstance of that time it was relevant as to that effect, he doth but trifle with his Readers in telling them that it was not relevant in that circumstance of time it was proponed, it had been candid and fair dealing to have told them that it was relevant in no circumstance of that time, or not relevant at all, but this would not have been well digested.

VINDICATION.

SO We shall now passe to the next ground of the Protestation, what is contained in the Writer of the second Paper his replies to the first objection; or other Objections is either nothing to the infringing of our answer, or cleared by what hath been said already, only this much I adde, These men who he saith hath fallen from their stedfastnesse, and made defection, at which others could not wink, because of their former integrity; some of them have been stedfast in the truth and Cause of God, when others that accuses them knew it not: some of them we doubt not; will by Gods grace give testimony of their stedfastnesse in it in their suffering condition, when some that accuses them may be will be found, or already are tampering about and devising glosses how they may with some colour suffell themselves loose from Articles of the Covenant; And the Writer shal never be able to instance that they have made defection in their late Resolutions, either from any Article of the Covenant, or from the truth of Religion in any head thereof, Doctrine, Worship, Discipline and Government received and established in this Kirk, or from practising according to that truth, I mean by any Publick allowed practise or course contrary thereunto, for as for personall failings and short commings in particular duties, they know themselves to be but men compassed With a body of death, and we doubt not but they are as far from Pharisaicall justifying of themselves as others. As to the other particulars mentioned in the Protestation; that they stirred up the Civill Magistrate against such as were unsatisfied with their Proceedings; Its contrary to truth as shall be cleared afterwards, there allgedged pretimising of the Assembly, is cleared before, as is formed and intargued in the second Paper. The Meeting at St. Andrews had no liberty nor freedom to vote in matters agitated and debated therein, which is allgedged to be manifest from the particulars, that the Commission had in their Remonstrances and Papers stirred up the Civill Magistrate against such as did differ from them in their Resolutions and Proceedings.

and

and accordingly the Magistrate had confined some Ministers; viz. those of Sterline upon that accompt, and had made Laws and Acts of Parliament ordaining all such to be proceeded against as enemies to Religion and the Kingdom. 2. The Commissioners had by their Warnings and Papers to Presbyteries stirred up the Presbyteries to censure such, and cite them to the Generall Assembly, and accordingly the Presbyteries did cite many of them. 3. The Kings Majesty wrote to the Assembly a Letter moving and stirring them up to punish and censure those who differed from the Publick Resolutions, and the Commissioner did second the same by his speech to the Assembly, intimating, that he hoped such a course should be taken with them, that all others may be deterred from the like thereafter, none of these things that Meecing did resent, but were silent thereat, and after wards did approve. I Answer, To the first particular, it is contrary to the truth that the Commission had in their Papers stirred up the Civill Magistrate against such as did differ from them about their Resolutions and Proceedings; the Writer if he would have dealt ingenuously and faithfully, either with the Commissioners, or with such as was to read this Paper, he should have instanced or produced some, at least one or two (for he speaks as if this had been done in sundry Papers) passages out of their Papers bearing this. 2. That the Civill Magistrate did confine (as the Writer termeth, their requiring them to stay at Perth for a space, untill their businesse should be cognosed) the Ministers of Sterlin being stirred up therunto by the Commissioners, and that he confined them upon that accompt, viz. That they differed from the Publick Resolutions, both are affirmed wrongfully and contrary to the truth, the real story of that businesse was this in summe: The Committee being informed that the Ministers of Sterlin were in their publick Doctrine, and other wise practising the hindring of the Leavies, according to Publick Resolutions; and moving sundry persons in the Garrison of Sterlin to quitte and desert their charge, which tended to the endangering of the whole Land, and particularly that Garrison, the only Bulwark of the whole land under God, the Committee represented the matter to the Commission of the Generall Assembly, shewing them that they could not permit that Garrison to be endangered, yet in regard they were Ministers, they desired the Commission to take a dealing with them first, and required the Commission to make reports to them what effect their

dealing with their brethren should take. The Commissioners accordingly having met at St. Andrews, and having had a Conference with these Brethren, & having found by their own acknowledgment that in Publick they had practised against Publick Resolutions, & in private had given to some persons as they said, asking their advice, resolution that it was not lawfull to continue in that service being in such a conjunction as the Resolutions carried: First they laboured to give them satisfaction about their resolutions, but having effectuated nothing therein, at last they dealt with them in most earnestnesse and tenderness, both publickly and privately to give assurance that they would not proceed to do or speak any thing in their Publick Doctrine, or in private to the hindering and obstructing of the Leavies which were going on according to the Resolutions; or might tend to the moving of any of the Garrison to quite their charge, which they refused peremptorily to do, and so departed home from the Conference: The Commission having sent a meer report and narration; rei gelte, without more or less to the Committee of Estates; according as they were required; the Committee required these Brethren by Letter to come to Perth, that some course might be taken in relation to them for securing the Garrison of Sterling from danger. The Brethren having come to Perth, but not at the first Diet appointed to them, the Committee required them to attend at Perth, or at Dundee, untill the Kings return from Aberdeen, that there might be a more full Meeting of the Committee, a great part of the most considerable members thereof being with him; after the Kings return, a Paper being sent in by the Committee of Estates to the Commission of the Kirk, requiring the Commissions advice as about other Passages that had passed between them and these Brethren, what should be done with these Brethren in relation to securing of the Garrison of Sterling, the Commission declared in their answer as to this, they could not take upon them to determine, the matter being merely Civil, but that they desired and expected that the Committee would deal with them in tenderness and respect, as being Ministers of the Gospel; this is the truth of the business in sum, so it doth appear evidently, that the Civill Magistrate did confine them (as they are so pleased to term it) neither being stirred up thereunto by the Commissioners, nor yet upon their account of meer difference from the Commission, and Publick Resolutions, but upon the account of their

their active opposing of their Resolutions to the obnoxious of the
 Louises, and endangering the Garrison, and their refusing to de-
 sist from that opposition; but neither must it be forgotten here what
 was the time of that confinement (as the Writer termeth it) and
 comparing of these Brethren before the Commission: If the Wri-
 ter be ignorant of it, let him know it was thus, Mr. Robert Downglas,
 and Mr. James Wood being dealt with by some of these Brethrens
 intimate friends, to interceed with the Parliament; that was then
 convened to passe from calling them further, did readily undertake
 it & obtained their desire, so that they were dismissed presently, and
 then one of these Brethren came and acknowledged to these two
 their kindnesse done in their behalfe, yet now in the Protestation,
 and in this second Paper it is requir'd with a slander, that they
 with other Commissioners stirred up the Civill Magistrate a-
 gainst them for differing from Publick Resolutions.

R I V I N W.

BEfore the Author come to answer the next ground of the Pro-
 testation; he takes notice of some things, and but of some-
 things, (passing by many others) spoken not by the Writer in his
 answer concerning the Commissioners; their steadfastnesse and fal-
 ling off from it: To which I reply, that though it may be true that
 some of them have been steadfast in the Truth & Cause of God,
 when others whom he calls their accusers knew it not, that
 will neither justify the one nor condemn the other; In the things
 of God it doth sometimes fall out; that the first are last, and the
 last first; though yet if he make an impartiall reckoning, I believe
 that neither he nor his party have reason to prefer themselves be-
 fore the Protesters for men of integrity, and old standing in the
 Cause of God, nor yet to boast themselves, as though there were
 none among them who had but lately come to know the Cause of
 God; I hope no Protester doth, or shall envy some of those men
 giving testimony of their steadfastnesse for the time to come in their
 sufferings. The Lord fit them & all his people so to do: But it is not
 enough for the Author to speak thus promisingly of them, unless up-
 on his may bee he do also prognosticate evil of others: He tells us,
 that when some of these accusers it may be will be found tampering,
 or already are tampering about or devising glasse how they may

with some colour shuffle themselves loose from Articles of the Covenant, some of them will give testimony of their stedfastnes in it. This measure wherewith the Author repayeth the Protesters, is more then an eye for an eye, and a tooth for a tooth; they did not except against the Commissioners upon *may be*, but upon things really and already done; and to his may be, I say: That though this be a hour of temptation, wherein many turn aside both to the left hand and to the right; yet I hope that by the Lords grace, the generality of those who have born testimony against the Publick Resolutions, shal be found among the most stedfast in the Land in the Covenant and Cause of Gods: What if I should tell him that it may be when opposers of Publick Resolutions are keeping their integrity, and cleaving to the Covenant, some men of no small note who have been, and still are zealous for these Resolutions, will be licking up the vomite of Malignancy and Prelacy, or if that be to fish too far before the net; I am content to appeal to him self who are the greatest tamperers of this time, whether the followers of the Publick Resolutions or the opposers of them. I do not relolve to deny an honourable testimony to not a few of these who are for the Publick Resolutions, in their love unto, and stedfastnes in, and zeal for the truth in other things, nor yet to justify the turnings aside of others who have been opposers of the Publick Resolutions; yet I think it will not be questioned that the generality of these who have given up the Interests both of Church & State into the hands of strangers, are such as were affectionately zealous for the publick resolutions, which is too probable an evidence that their professions of Repentance the last year, and of zeal for the Covenant and work of Reformation, and of love to the King, and of desire to preserve our Liberties were not straight and upright; and that the Commission of the Church who after so many experiences of their turning aside, did trust them, and were instrumentall to imploy them in defence of the Cause and Kingdom, hath cause to think that they were a little too credulous. I shal not insist upon what the Author saith of the Writers never being able to prove what he asserts anent the Commissioners their making defection; This as to the matter of the Publick Resolutions, hath been sufficiently proven either by him or others, and needs not here to be repeated; Therefore I come to what he brings in answer to these things which are brought by the Writer to prove that there was not liberty of free voting in the Assembly.

sembly: The Writer for proving this, alledges, that the Commission had stirred up the civill Magistrate against such as did differ from them in the Publick Resolutions in their Warnings and Remonstrances; This the Author denyes as being contrary to truth and calls for proof of it out of these Warnings and Remonstrances; These Warnings and Remonstrances being Publick and common, I conceive that the Writer thought it not needful to cite the places, nor to insit much upon proof of the business otherways then in insinuating the reall effects of it; but because he desires evidence from these Papers he shall have it. 1. The Commission in their short exhortation to the Ministers and Professors of this Kirk, *March 20. 1651.* expresse themselves thus in order to these who are unsatisfied with, or do oppose the Publick Resolutions; The Conscience of our duty (according to the trust committed to us, and the carriage of some who either oppress with a lethargy ly still or seased upon by a benumbing coldnes move slowly, or carried about with the winde of strange Doctrine, as children are tossed to & fro & move contrarily) doth constrain us to lift up our voices, & from the watch tower whereon we are set to give Warning to the Professors & Ministers throughout the Land, & to wacken them up to their duty, as they would avoid the displeasure of the Almighty, and escape the deserved punishments and censures which may be inflicted by Judicatories Civill and Ecclesiastick *respective* upon deficient in, and Delinquents against duty, according to the degree of their offence, and again in the same Warning, having applied the charecter of Malignants to such as through dissatisfaction with Publick Resolutions, were silent or did oppose; they use these words, we wish it may be the care of all to shun the ways that may bring them under these foul charecters, and wherby they may run themselves under the hazard of the displeasure of God, and the censures of the Church, and no doubt of civil punishments also to be inflicted by the State; From these passages these two things are manifest: 1. That in the judgement of the Commission, deficiency in the Publick Resolutions, by not moving at all, or slow moving, or contrary moving, was deservably lyable to punishment by the Civill Magistrate. 2. That they did make no doubt but that civill punishment would be inflicted by the State: To these two things adde, That this exhortation and Warning is directed to all the Ministers and Professors of this Kirk, and so to the

civil Magistrat, among others in their place & station; yes, no doubt before the emitting thereof, it was by way of correspondence, according to the constant custome kept in these things communicated unto the State; let any indifferent man then judge whether this be not a stirring up of the Civill Magistrate against them, when it is declared to the Civill Magistrate in a publick exhortation and Warning to duty, that punishment from the Civill Magistrat is by these men deserved, and that the State will no doubt inflict that civil punishment in answering the instances of the Civill Magistrate his Proceeding accordingly: The one of them, to wit, their making of Lawes and Acts of Parliament, appointing such to be proceeded against as enemies to Religion, and to the Kingdom, he doth not so much as once touch, and the other concerning the confining the Ministers of *Sterline*, he doth in many things mince and pervert, therefore for informing of the Readers, and justifying of what is said by the Writer in this particular, I shall shortly and truly set down the matter of fact so far as is needfull, and make some remarks upon what the Author saith in this business. First to the matter of fact, it was thus: After that the Ministers of *Sterline* did return to their Stations from the Conference with the Commission at *St. Andrews*, the Committee of Estates being informed by the Commission of the result of that Conference, and hearing that the Ministers of *Sterline* did continue to Preach against the Publick Resolutions, did resolve upon a Letter containing a citation, to come to *Perth* to be written from the Committee to these Ministers, which being past and approven in the Committee, was immediately thereafter by some of their number communicated to the Commission of the Kirk, to whom it was publicly read, without so much as the least signification made by them of their dislike thereof, which did clearly enough import their approbation of the same, because it was the custome of the Commission these years past, when any thing was communicated unto them by the Parliament or Committee of Estates, with which they were not satisfied, either to represent their dissatisfaction in a humble way by Writing, or else to desire a Conference thereupon, and when they were silent, it was always expounded to import their satisfaction; This Letter being dispatched from *Perth* where the Committee of Estates then sat, to the Ministers of *Sterline*, it came not to their hands before the Tuesday at night, notwithstanding that

that it had been written a good many dayes before, and that it did require them to compear before the Committee the next day after receipt thereof: The one of the Ministers being somewhat sickly, answer was returned from both to the Lord *Chancellor* President of the Committee, that by reason of his weaknesse, they could not well keep the Diet mentioned in the Letter, but that in the case of his being able to travell, both of them should be at *Perth* that week, or that if he could not travell, the other should come without fail, and intreating the Lord *Chancellor* to make their excuse to the Committee, and that it might not be interpreted as any sign of disrespect, or disobedience, that they did not come instantly upon the receipt of the Letter, seeing the one of them was not at that time able to travell: This Letter being communicated by the Lord *Chancellor* to the Committee upon the Thursday, they were pleased notwithstanding thereof, and before the coming or hearing of these Ministers, to order another Letter to be sent unto them, ordaining them to come to *Perth* before the next Saturday at night, and to stay there, or at *Dundee* til the Kings return from *Aberdeen*, whether he was then going; before this second Letter came to their hands, these Ministers came to *Perth* upon the Friday at night upon the first Letter, and making application to the Committee of Estates on the Saturday morning, did (after Protestation that they did not acknowledge them as judges in the matter of their doctrine) protest themselves willing and ready to hear and to answer what the Committee of Estates had to challenge them of, upon which the Committee did intimate unto them the order contained in their second Letter, and caused the Clerk deliver the same unto them; the Ministers of *Sterlin* after hearing the order contained therein, did earnestly beseech the Committee of Estates that (upon surety to compear when they should be called for) they might have liberty to return to their Charges, which being denyed, they did in the next place desire, that seeing they had no purpose to go unto *Dundee*, they might be permitted to go 3. or 4. miles without *Perth*, for refreshing of themselves, which favour was at first granted, and within a little space thereafter, they being gone to their lodgings, was recalled, and they were sent for to come back to the Committee of Estates; and when they came it was intimated unto them, that the Committee could not take it upon them to allow them that liberty; therefore were they con-

constrained either to be transgressors of the Committees order, or else to abide within the Town of *Pearth*, which they did for some weeks, untill the King and others of the Committee, having returned from *Aberdeen* upon the Friday afternoon, and a report being made in the Committee of Estates what had pass concerning the Ministers of *Steerline*, they did that same night appoint another order to be sent unto them, ordaining them to stay in the Town till the Commission of the Church should meet, and that it might be thought upon, what course was to be taken in these things, which was accordingly done, and the Parliament meeting at *Pearth* the next week thereafter, they did send unto these Ministers two Masters, commanding them to stay that week; which being expired, they sent unto them another person, commanding them to stay their further order. During this time the Commission of the Church met at *Pearth*, to whom all that had pass betwixt the Committee of Estates and these Ministers, was communicated first by these Ministers themselves, and afterwards by the Parliament, who desired to know the Commissions judgment of two Protestations given in to the Committee of Estates by these Ministers, the sum whereof was, that their compearing before them to answer in these things that did relate to their Doctrine and discharge of their Ministeriall function, might not import that they did acknowledge them to be competent Judges thereof; and that incroachment was made upon the due liberty of the Subject, by a sentence of Confinement past upon them, without hearing them after they were called to be heard; Which Protestations being taken in consideration by the Commission, they did give their judgment thereof in a large Paper condemning the same, without so much as calling these Ministers, to ask a reason of their judgment anent the things contained therein, notwithstanding that they were in Town, and had communicated the same unto them, and all that pass betwixt the Committee of Estates and them, by this narration, which can be verified from the Registers and Papers themselves, as to the substance and most of the Circumstances of it, and (which cannot be justly contradicted in any circumstance thereof, for if it should, can be attested by witnesses.) it appears that there was a legall sentence of Confinement past, and often renewed upon these Ministers, before hearing of the Party, and that this Confinement was for a Moneths time, and that with

was done therein (as to the substance of it) was done with the knowledge and connivance, if not direct approbation and allowance of the Commission. The Author in his Relation first carps at the word of *Confinement*. But I would know of him what was here wanting of a Confinement, properly so called, was there not a Judicial Sentence, tying those Ministers to such a place, for such a time and, restraining them in the use of their liberty from going to their own homes and stations, or to any place else, except these places mentioned in the Order of the Committee of Estates. 2. He alleadges, that it is affirmed wrongfully and contrary to the truth, that the Commissioners stirred up the Civil Magistrate against the Ministers of *Sterline*, or that they were confined upon the account of their differing from the publick Resolutions. The Writer did not speak of any particular instigation coming from the Commissioners to the civil Magistrate in the particular of these Ministers, but gives one Instance therein of the Magistrates proceedings according to the general warnings of the Commission wherein they do declare their Judgment of the desert of such things, and that *the state will no doubt insist civil punishment upon them*, though yet besides any thing that is already spoken that the Commission was acquainted with these things; and did in every bodies construction allow thereof: Somewhat more could be told him concerning some leading men in the Commission, which I am now content to suppress. When I read the other particular, to wit, his affirming it to be contrary to truth, that they were confined upon account of differing from the publick Resolutions: I did somewhat wonder what could make him write so, were they not Confined, because of their publick Preaching and expressing their dissatisfaction in publick and private with these Resolutions. The Author calls it, Their opposing and practising against publick Resolutions, and their active disposing of their Resolutions to the obstructing of the Leavies, and indangering of the Garrison, and their refusing to desist from that Opposition. let him give it as many names as he will, and aggravate it by all the Circumstances that he can, it is still upon the account of their differing from the publick Resolutions, doth he (when he hath strained himself to the utmost) give instance of any other thing, or of any thing that they did in this, that was not suitable for Ministers to do in the discharge of their ministerial Function. Upon supposal that these Resolutions were wrong, they write

publickly to the Commission against the Publick Resolutions, they Preached publickly against them, they gave their advice to such as asked it, they refused to desist; what was in all this that would have been blamed in a Minister in the unlawful Engagement in the 48. and this is all that is alleadged. As for their endangering of the Garrison, which he is pleased to call the only Bulwark of the whole Land under God: I wish that it may be remembered, and laid to heart, That the Lord was graciously pleased (as long as these Ministers were there) to preserve that Garrison without any appearance of danger or hazard, and that after they were driven away it was first abandoned by our Army, when men were among them who preached according to the heart; and afterwards, without any opposition, given up to the hands of the *English* by these who had slandered these Ministers, as compliers with them, and had been instrumental upon the account of their opposing the Publick Resolutions to drive them from their stations. 3. To pass by that which he saith, that they found by their own acknowledgement, that they had given Resolution to some persons, seeking advice, that it was not lawful for them to continue in that service, being in such a conjunction as the Publick Resolutions carried: I take notice of what he sets down, that the Brethren came not to *Perth* at the first Dyet appointed to them; and afterwards the Committee required them to attend at *Perth* or *Dundee*, until the Kings return from *Aberdeen*, that there might be a more full Meeting of the Committee, a great part of the most considerable Members of it being with him, how could they come at the first Dyet? the advertisement being so exceedingly short, from the time of their receipt of the Letter, to that time of their comperance; and the one of them being somewhat sickly and not able to travel. The Committees appointment for them to stay at *Perth*, was before their coming, and before the Kings departure, when the Committee was full and numerous, though he doth insinuate it to have been otherwise; and there was a Quorum of the Committee of Estates still at *Perth* after the Kings departure, who yet would not meddle in that business, and said, They could not. The truth was, the men who were the great sticklers in it (whom the Author calls the most considerable Members of the Committee) were absent, and they had before their departure taken such course that the business should not be meddled with, till the Kings return from *Aberdeen*.

deem. 4. I take notice of that which he saith, That when the Committee of Estates did require the Commissions advice what should be done with these Brethren, in relation to the securing of the Garrison of *Sterling*, That as to this they could not take on them to determine the matter, being merely Civil; but that they desired & expected that the Committee would deal with them in tenderness, as being Ministers of the Gospel, was the business, as to the interest of their carriage in it, and the ground upon which they were cited, merely Civil; Was it any other thing then the discharge of their consciences in their Ministerial functions, as Ministers of the Congregation of *Sterling*? It is true, that there was such a desire of tenderness in the close of the Commissions Paper, but there was so much said in the body of it for exaggerating their carriage, that a greater punishment than a continued confinement might have been thought tender dealing to such men. That Paper was of such a nature, that not a few of these to whom it was given in, who were none of the greatest friends to the Ministers of *Sterling*, were not well satisfied therewith, if it may be beleevved what was then confidently reported to these Ministers at *Ranch*, by some who did profess to know it. 5. I take notice of that which he speaks upon their dimission, what dealing there was by some of their intimate friends with Mr. *Rob. Douglas* and Mr. *James Wood*, to intercede with the Parliament, to pass from calling them further. I do not know unless he mean of Mr. *James Durham* (who had from the begining been against such away of proceeding with them) his dealing with these two, that the Parliament might not meddle further with these Ministers, but suffer them to go to their Charges; and though they do willingly own him as a friend, yet what he did in that particular, was not only out of respect to them, but also from respect to the Commission, and to the Parliament, conceiving it not to be for their advantage to meddle with these Ministers in such a way; and though these Ministers did not affect to come to a Publick Hearing before the Parl. yet would they have chused that and more too, rather then to wrong their consciences in the thing whereof they were challenged: and as at their first appearing before the Committee of Estates they shewed themselves ready and willing to give an accompt of their Doctrin and carriage in that particular, so (the Lord assisting them) they would have been neither ashamed nor afraid to have done it before the Parliament, if they

had been called thereunto. That Mr. *Robert Douglas* and Mr. *James Wood* did so readily obtain their desire, it was a token that they had power in that particular. That one of these Brethren came and acknowledged to these two kindness done in their behalf, is more then that Brother doth take with. He saith, that he came indeed to Mr. *Rob. Douglas* and said to him, that he hoped to have no cause to repent of what he had done : but what, suppose both of them had come to both and done so ? That which is less then justice and equity, to wit, a breaking off of oppression and iniquity may be acknowledged by the oppressed for courtesie and kindness without hypocrisie and dissimulation, and it makes no bad requital nor slander afterwards to tell the truth how far men were accessory to the oppressing and afflicting of them.

VINDICATION.

TO the Second particular, the Commission in their Act and last Letter to Presbyteries, did restrain Presbyteries from Censuring any of them; they did not so much as desire any of them to be referred or cited to the General Assembly for differing from them in their Resolutions, but only such as continued to oppose, Presbyteries cited but few, and some of them as will be found by the Registers of the Assembly, were chosen Commissioners to the Assembly, but was there not far more done in 48. did not the Commission stir up all Presbyteries to cite all that were in the meanest degree of differing from them : Such viz. as were only guilty for silence and not speaking with them, and to censure forthwith all that opposed: will the Writer therefore say that voicing in these matters was not free in that Assembly; if not, why then doth he use double weights ?

REVIEW.

WHat though it were true that the Commission in their Act and last Letter to Presbyteries, did restrain Presbyteries from censuring any of them, yet what is that to contradict or refute what is alledged by the Writer, That the Commission did in their Warnings and Papers stir up Presbyteries to censure such, and cite them to the Gen. Assembly : these are more evident truths then can be denied, and even that Act and last Letter doth verifie that.

that point of the Alleadgance concerning the citing of them to the Assembly; which Citation as it did exclude these who were cited, from a Vote at least in that particular; so was it (in the nature of it) apt to obstruct the freedom of others in voicing. He tells us, they were but few who were cited: well then, some there were, yea many were cited; the Synod of *Perth* did at one Dyet, upon the accompt of that Letter, cite, not a few of their number who were present, and did direct Summons to others who were absent; the Presbytry of *Feaburgh* did cite three of their number; sundry also in the Presbytery of *Glasgow, Chyrnside* and else-where were cited. He repeats again his distinction of such as differed from Publick Resolutions, and such as continued to oppose them; the last whereof only, as he insinuates, were cited. But to pass by the distinction it self, (which seems to teach men a way that doth not seem well to become the Ministers of the Gospel, *b. c.* to differ in such things as concerns the judgement and practice of the people committed to their charge, in matters of special interest to the cause of God, and yet to be silent and cease to give testimony thereof, either for their own exoneration, or information of their People (which was one of the desires and overtures prest upon the Ministers of *Sterling* at *St. Andrews*) Who so will look upon the Commissions Paper *March 20.* will find that in reference to censure, it takes in, not only such as continue to oppose and move contrarily, but also such as move not at all or move slowly; as well these who are indifferent and neutral, as these who oppose. see Pag. 2. & 5. thereof. That some of them were chosen to the Assembly, we have already cleared, how it was done, as also that which was done in the year 48. betwixt which, and that which was done in the year 51. there are many real and important differences formerly spoken of and cleared, and therefore doth the Writer use no double weights.

V I N D I C A T I O N.

TO the Third Particular, concerning the Kings Letter, and the Commissioners Speech to the Assembly, there was no; one word in them more or less for Punishing or Censuring any that Differed from the publick Resolutions; but if any thing of that kind was desired it was for opposing & Weakening of the hands of the kingdom and strengthening the hands of the Enemy joyned with expressi-

ons of earnest desire to endeavour by all fair means to gain all that
 differed, to unity: did this take away the freedom and liberty of
 voycing, especially considering this which was desired was proponed
 by way of meer desire, without any threatening or alurement to be
 byassed by mens voting, but that the honest Reader may be able
 the better to give his judgment of this matter, he may reade the
 Commissioners Speech (the Coppie of the Kings Letter I have not,
 but both were to one purpose on the matter) yet down at the end of
 this Paper faithfully as it was delivered, alwayes whatever was in
 the Letter, I dare affirm, that in that Assembly, there was as
 great freedom and liberty in Speaking and Voting about these Re-
 solutions in debate, as well as in any other, as well contra as pro, as
 was in any Assembly these years by-past, yea, more then was in
 some of them, wherein it was well known, that oftentimes to the
 grief of men in the Kirk, most eminent for Grace, Gifts, Gravity,
 and Experience, some who now unadvisedly accuses this Assembly
 of want of freedom and liberty, have endeavoured to carry mat-
 ters with a strong hand, cutting down with sharp reflections, and
 flouting such as any wayes dared to speak and vote in a different
 way from them, which (if report may be beleueed, some of them
 hath acknowledged in their late Confessions.) The Writer after
 the propounding of the Argument, meets with one Objection a-
 gainst it; We shall not stand upon the discussing of his Reply as it
 relates unto that Objection, but shall speak one word to that which
 he chargeth upon the Kings Letter as in orderly and irregular.
viz. That when as the Assembly had not yet medled with the pub-
 lick Resolutions, to condemn and reprove them, he should have
 stirred up the Assembly to Censure such as differed from them.
Ans. Besides that as hath been already said, the Assembly was
 not desired to Censure any for differing from the publick Resolu-
 tions simply. First, It was not desired that the Assembly should cen-
 sure them without any trying or approving of their resolutions, nor
 was it desired that the Assembly should approve without due tryal,
 but the King supposing them to be right and just in themselves,
 and that the Assembly upon due tryal finds them to be such, desi-
 red, that such as had opposed them (howbeit it could not be but so
 the prejudice of the defence of the Cause and Kingdom) might be
 dealt with to be reclaimed, or if that could not be obtained, Cen-
 sured. Secondly, Consider what a case he was in then, he was ob-
 leidged

scidged by Treaty to follow the Advice of the Commission of the Kirk in the intervals of Assemblies in matters Ecclesiastick, he had sought and gotten then Advice in those matters questioned, and no men in Scotland were more earnest to have that Condition in the Articles of the Treaty then they who accuses him here: But it may be he should have used his judgment of discretion upon any resolutions given by the Commission. I confess that is true, yet any man may perceive that the words in that Article of the Treaty are very peremptory and general in the later, for no more is said, but that he should follow the Advice of the Commission; and it was well known when it was mentioned, that it should be expressly added, Agreeable to the Word of God, and Doctrine, and Constitutions of this Kirk: The Adoion was opposed and stopped by some of the Accusers: This I speak not to say that he was bound to give blind obedience, but to shew that he was in a right ticklish case here: But leaving this, the civil Magistrate being convinced in his Conscience, upon good, true, and solid grounds of the Errour of some Doctrine, or Practice of some Ministers which hath not been particularly determined in hypothesis by the constitution of the Kirk, and of evil that they have done to the Publick in following it, may he not exhort one general Assembly being convened even in the entry thereof, to Censure such without prelimitation, or encroaching upon the liberty and freedom of the Assembly in judging and voting upon it? I doubt if he may not, but suppose he cannot without encroaching and prelimitation alive upon his part, yet sure these can not prove the Assembly not free in Voting and Judging, unless there can be some evidence given of the impression and effect of it on the Members in their Voting and Judging. A Judge may be tempted and sollicitised, and yet may be unquestionable, uncorrupted and free in his judging.

REVIEW.

THe Author doth not deny, and I beleeve he cannot, but that the Kings Letter, and the Commissioners Speech, did contain somewhat relating to Punishment and Censure; but seeks a shift by telling us, That if any thing of that kind was, it was for Opposing the Leavies, and weakning the hands of the Kingdom, and strengthening the hands of the Enemy. If either the Letter or the Speech

Speech had been exhibited, they had spoken best for themselves; none of them is subjoynd to that Coppy of his Vindication, which is come to my hands. But upon supposal that it was as he saith (of which yet he seems not to be very confident, and therefore afterwards helps himself with his wonted word, *That it was not for differing from the publick resolutions simply or meerly*) what better is it then it was? Did not all the Assembly to whom that Letter was written and that Speech spoken know, that the opposing of Leavies, and weakning the hands of the Kingdom, and strengthening the hands of the Enemy which was meant of, was Preaching and bearing Testimony against the publick Resolutions, neither doth it take off the difficulty. That it was joynd with expressions of earnest desire to endeavour by all fair means to gain them: These desires could very well stand with incitations to Censures, and that whatever was the way of proponing, whether by way of meer desire (as the Author alleadges) or otherways, yet was it not without threatning speeches, upon the matter of which, I am content that Judgment may be given by the Letter and Speech themselves: He dare affirm, That in Speaking & Voting about these Resolutions there was as great Freedom and Liberty as was in Assemblies these years past, yea, more then was in some of them, but in this he is too daring: Was there any Assembly these years past, that had so many bonds and restraints upon them (as we have already instanced) all that he instances is, That some of these who accuses this Assembly of the want of Freedom and Liberty, have in other Assemblies endeavoured to carry matters with strong hand, calling down with sharp reflections, and flouting such as any way dared to speak and vote in a different way from them: For proof of this, he gives us, *It is well known: and the acknowledgment of some of themselves in their late Confessions.* I think indeed that it is well known that too often in most of our Kirk Judicatories, there was in most men that sate therein, too much of a carnal Spirit, and too little of the sober, holy, grave, spiritual, meek way of the holy Ghost: And some of these men have, as to their own carriage in Judicatories, acknowledged this, and are indeed convinced of it, before the Lord, desiring mercy in his sight, and grace, That if ever it shall be again allowed them to sit in Judicatories, there may be more of the beauty and image of the Lord upon them, and their way. But that they cryed down such with sharp reflections, and flouting as da-
red

red to speak or vote otherwayes then they did, is that which no man is able to make good, & which (I throw) their own consciences doth not accuse them of: haply some would have expected that the Author would have spared to have reflected upon these persons in their confessions, seeing he is a man subject to the like Passions that others be; and I doubt not to the same convictions and confessions upon them. His defence of the Kings Letter is such, that I fear shall satisfie few. 1. He repeats, that it was not therein desired to censure any for differing from the publick resolutions simply, to what I have spoken already. Next it is but a *subterfuge*, which he saith, That it was not desired that the Assembly should censure them without trying or approving their resolutions; but the King supposing them to be right and just in themselves, and after the Assembly should after due triall finde them to be such, desired that such as had opposed them (howbeit it could not be but to the prejudice of the defence of the Cause and Kingdom) might be dealt with to be reclaimed, or if that could not be obtained, censured. There is nothing here for answering what is alleadged by the Writer, to wit, that the Assembly whilst they had not yet meddled with the publick resolutions, and had not found them right, were stirred up to censure these that could not be reclaimed from them; and taking it as the Author doth alleadg, That the King did suppose them to be right, and withall, that he spake nothing to the Assembly to allow a fair hearing to these of a contrary minde, or to search whether they were right or wrong. It saith that the Kings Letter did contain a clear intimation of his minde to the Assembly, not only in order to these who should continue to oppose, or could not be reclaimed, but also in order to these who should vote *pro* or *contra* in the Assembly; that Letter and that Speech were but an expresse of the Commissions Warnings and Acts, and Acts of Parliament made there anent, in order to the furthering the execution thereof, by getting them backed with a new Act of the Assembly to the same purpose as afterwards they were: I cannot wall decern whether the parenthesis cast in by the Author in these words; *howbeit it could not be but to the prejudice of the defence of the Cause and Kingdom*, be cited by him as the Kings words, or interlined as his own, and therefore shall not give judgement of them. 2. His next defence, That the King was bound by the Treaty to follow the advice of the Commission of the Kirk, in matters Ecclesiastick, in

intervalls of Assemblies; which he looseth himself by acknowledging that he should have used his judgement of discretion upon any resolutions given him by the Commission; but because the Author interlaces in order to this, severall particulars; therefore in answer to what he saith in this part of his defence, I offer these things. First, That there is nothing here spoken by the Author that makes for the vindication of the Kings Letter; It speaks indeed to the vindicating, at least to the excusing of the King himself in writing such a Letter, because he was advised by the Commissions, as to the publick Resolutions, but that doth not say, that the Letter did not contain such things as were apt to hinder liberty of voting in the Assembly. Secondly, I acknowledge that the King was indeed in a right ticklish condition; But who had put him in that condition, but the Authors and Abettors of the Publick Resolutions, who after an expresse Article of the Treaty for removing of Malignants from him, and expresse desires from the Generall Assembly, and their Commission renewed again and again, and expresse Answers to the Quære proponed by himself, of bringing in the Malignant Party; In the negative did advise him to imploy and bring in that Party for his own defence, and the defence of the Cause and Kingdom. Thirdly, As to the peremptorinesse of some to have in that condition in the Articles of the Treaty; I know it not, but though it was so, it was no more then his Predecessors was used to be tyed unto before the Reformation in the old Oath of Coronation, and which his own Father had condescended unto in the Treaty at the Bricks, as appears in the Acts of the Assemblies, and the Acts of Parliament 1639, and 1640. Forthly, As to the Authors quarrelling of the words of the Article as peremptory and generall in the Letter, because no more is said, but that *He should follow the advice of the Commission*; and his quarrelling some for opposing and stopping of a motion made by others, that it should be expressly added, *agreeable to the Word of God, and Doctrine and Constitutions of this Church*: He should have told the circumstances of time and place, and persons; For my part I professe ingenuously, I remember no such things, and others also who may be presumed to know it, say the same. But let it be so, they did in this but adhere to the former way, which (as also this Article) did suppose that addition which the Author speaks of, though neither Kirk nor State thought fit to expresse it, lest occasion

sion of jangling should have been given thereby. But the Author by this his carping shews, that when he pleases, he can quarrell with some things in the Treaty, and with the Acts of Assemblies thereanent, as well as others; and I believe, he would think it hard measure to have it inferred from this, that he doth vilifie the Acts of the Assembly, and that his professions to the Government, Discipline and Constitutions of this Kirk, are not straight nor upright: I shall not charge him with unfaithfulness, but if he was one of those who was instructed by this Church in the Treaty at the *Hague*, he hath (by that which is fallen from his Pen) here furnished some occasion to his Readers to think that he hath some hand in, or some way woked at the first modell of the Treaty, as it was first tertled and transacted between the King and the Commissioners; wherein notwithstanding that there was an express instruction, that his Majesty should not onely consent and agree, that all matters Ecclesiasticall should be determined by the Generall Assemblies, and such as in the intervalls of Assemblies should be authorized by them; but that his Majesty in things Ecclesiastick, should follow the advice of the Gen. Assem. of this Kirk, and such as should be authorized by them; yet the matter was so transacted, as that these 2 clauses of the Kings following the advice of the Assembly, & such as should be authorized by them, and of his being content that in the Intervalls betwixt Assemblies, things Ecclesiastick should be determined by such as should be authorized by them, were wholly left out: And if he had any hand in, or did wrok at the omitting of this Article of the Treaty at the Kings Coronation: That it should not be prest upon the King to declare according thereto, albeit by the Treaty he was expressly bound so to do, he would either forbear to prest the Treaty so much upon others; or learn to be more tender thereof himself. Fourthly, as to his Question, what a Civill Magistrate may do in a point of doctrine wherein he himself is convinced in Conscience upon good grounds, of the error of some doctrine and practice of some Ministers, which hath not been particularly determined *in hypothesis* by the Constitution of the Kirk, whether he may not exhort a Generall Assembly being convened, to censure such without prelimitation, for encroaching on the liberty and freedom of the Assembly in judging and voting in it? I shall not debate, it seems that he himself doubts of it; but this was not our question, the point

was determined by the Constitutions of this Kirk, and this answer was once given to the King by the Commission of the Kirk, upon his moving the question ; and they did exceedingly wrong him, who by contrary Answers did draw him in many snares, and put him upon many rocks. Fifthly, as to his great answer of active and passive prelimitation, it will not serve him much stead in this particular, because the Assembly did really vote, act and censure according to the desire of that Letter, which is evidence sufficient to prove, that the prelimitation was both active and passive. It is not evidence enough to prove, that a desire hath impression upon me that I grant the same, and do accordingly ; what other proof doth the Assembly at *Glasgow* 1638, bring to verifie the passive prelimiting of the Assembly at *Glasgow* 1610, and at *Pearth* 1618, by the King his threatening Letters and Commandments; but this, that the Letters came to the Assembly, and that the Assembly did proceed according to the desire thereof ; will the Author admit of no proof of passive prelimitation, unless evidence can be brought from a mans own breast. That this very thing, and nothing else was the thing that weighed with him for approving the Publick Resolutions, censuring the Protesters, and laying a foundation for censuring all, both Ministers and Professours, that should continue to oppose these Resolutions. I close this purpose with the words of these Divines and Lawyers, cited before in the book containing their *gravamina* against the Council of *Trent*: *Manifestissimum est Tridentinam hanc Synodum nequaquam esse aut dici posse liberum Concilium, sed servum potius & multis nominibus durissime obstrictum atque captivum. Liberum etenim dicitur, quod metu omni & coactione caret, ubi Concilia omnia omnesque res non ex aliena vel voluntate vel gratia, vel etiam ex permisso alterius aut imperio pendent, sed ab his omnibus expedita sunt & integra, nec cuiusquam aut odium aut invidia, aut minae extimescenda sunt, nec res ulla sit quae plus pollent apud eum qui dicit sententiam, quod ipsius honesta voluntas & iudicium minime coactum. Denique ubi quae salutaria quisque & veritati consentanea esse, intus, & apud animum intelligit, eadem etiam sine ullius periculi metu in medium proponere libere & in faciem curvia modestè dicere liceat, cuius rei praclarum exemplum in Paulo Apostolo nobis propositum est, qui (ut ad Gal. 2. ipse scribit) Petro Apostolo in faciem oblocutus erroris eum in Antiocheni Synodo publicè arguit.*

VINDICATION.

THe next Argument proper to the second Paper is, because in the Assembly at St. Andrews, persons allowed by the Acts and Policy of this Kirk, to speak their Consciences were denyed liberty so to do, and to prove this, the Author takes much pains to shew from eight old Assemblies of this Kirk, that not onely persons Ecclesiastick having calling power to vote, but others also are allow'd to propound and reason, yea to present their thoughts in Writing to the Assembly, but he need not to have been at so much pains in casting over so many Assemblies for this purpose; the point is generally confest in all Orthodox Kirks, and known to all who have read the Common head De Conciliis in their Systems. Secondly he saith, that Sir Archibald Johnston (whom he mentions with many Encomia, to make the matter be bath to speak more bulky) having written his minde to the Meeting, not able to come himself, about the matters to be agitated in the Assembly, holding forth much clear light from Scripture and Acts of former Assemblies in these particulars, (if it was much light he held forth in some of these same particulars in conference at Perth, it was but very little, and no much to be feared by any of the contrary mind) also the Letter was publicly delivered and required to be read by him that presented it; the Moderator having broken it up, promised to cause read it, and many Members did at sundry occasions press the reading of it, yet it could never be obtained, but was smothered together with a Protestation contained therein, against a Paper of the Commissioners to the Parliam. approving what was done by the King and Committee of Estates to the Ministers of Sterling. Answer. Here is much want of ingenuity, and nothing of the truth of the matter making against the freedom of the Assembly; the Assembly never refused to have it read: Most part of the whole Assembly was earnestly desirous to have it read, and now more then the most part of these Whom the Reader would insinuate to be Readers unacquainted with the business, to have been the opposers of the reading of it, and smotherers of it, as being of a different judgment from Sir Archibald, and feared for the pith of his Papers. The truth of the business was this, as I doubt not but the Writer knows in his Conscience, had he been so ingenuous as to tell it

to some persons in the Assembly, bearing much respect and tendernes to Sir Archibald, partly because of intimate friendship with him, partly because of many former good services, did plead for a delay, alleadging that it was unreasonable that the Assemblies precious time whereof they knew not how short liberty they might have, should be spent in reading any particular mans Letters, whereas the Committees were not as yet nominated and constituted, and the proceeding of the Commission which (by the appointment of former Assemblies) ought to be the first business taken to consideration, were not so much as once looked upon, and indeed the Papers which were sent and desired to be read concerning his minde, amounted to such a volume, as the reading thereof might have taken up all the time that the Assembly could probably expect for sitting, though never any other business had been touched. There was (if my memory fail me not) a Letter of four or five sheets of thick writ, and other Papers with it, required to be read before the Assembly did enter upon the first Action, the appointing of Committees, amounting to an hundred sheets at least, and must it be such a crime as for which the Assembly must be judged with that such a motion was referred and delayed to a more convenient time, which was the onely thing the Assembly did, and that not of their own inclination, but upon much entreaty and pleading of some of his best well-wishers in the Assembly, who although they alleadged the cause we have only mentioned in publick, yet had another cause of their pleading so earnestly for this which they did in a private way communicate to some who were desirous they should be read, whereby they moved them to desist from urging so earnestly the reading of them, not out of fear to his Papers, or dis-respect to his Lordship, but out of meer kindness and respect, because viz. they did perceive by looking on them (I believe) in private sundry high reflections against the Supream Powers of the Kingdom, both King and Estates, which could not but have brought him in present trouble. This is the true story of that business, judge thou now (ingenuous Reader) impartially, if this was a conscientious or relevant argument, to nullifie that Assemb. but adde to that other in the Assembly 48 or 49: (I did not distinctly remember which, but the thing is certain, and the Writer will remember better) a Paper then, concerning matters then in debate given to the Assembly, and desired to be read, was publickly laid aside and refused to be read, and yet the lawfulness of that Assembly

sembly, is not questioned. The Writer in the close of this argument, would insinuate to his Reader, that the Commissioners had been Authors of smothering these Papers of Sir Archibald Johnstons, because of a Protestation therein contained, against a Paper of theirs, approving what was done by the King and Committee to the Ministers of Sterlin; but if he meaneth so, it is a wrongfull slandering of them, the Commissioners were far from desiring them to be smothered, though one or two out of tender respect to his Lordship, were unwilling that he should be brought in trouble by them, nor feared they his Protestation against that Paper of theirs, against which, neither he, nor any for him, could have any just ground of challenge; the summe and substance whereof was nothing else but a clearing of the Commissies calling before them the Ministers of Sterlin (after they had been dealt with by the Commission of the Kirk about their preaching and practizing to the obstructing of the Leavies according to Publick Resolutions, and occasioning some to relinquish their charge in the Garrison of Sterlin, and they refused to desist) that some convenient course might be taken in relation to them, in securing the Garrison from danger from the guilts of encroaching upon the Liberties of the Kirk charged upon them by a Protestation of these Ministers of a very high strain, and together approving these Brethrens protesting in so far as it was provisionall for the Liberties and Priviledges of the Kirk, and expressing that these Brethren might be dealt with by the King and Committee in a tender and respectfull way as Ministers of the Gospel.

R E V I E W.

Sometimes the Author offends when pains is not taken to prove things that are generally confessed, as for instance to prove from the Word of God, that all scandalous persons ought to have been removed from the Generall Assembly, and here he seems to carp at his taking pains to prove from the policy and Acts of this Kirk, that not onely persons Ecclesiastick having calling and power to vote, but others also are allowed to propose, hear, read and debate; yea, to present their thoughts in Writing to the Assembly: But albeit the point be generally confest by all Orthodox Churches, and known to all who have read the head of Com-
ciliis

ciliis, yet was it to purpose for the Writer to take pains to prove it from the Acts of the Assemblies of this Kirk, because he had to do not only with these who are acquainted with the head *de Conciliis* but also with others who are not well acquainted with that head, I mean sundry Professors in the Land, who had need to have the ground and relevancy of this Argument cleared unto them, and it was a nearer and more convincing way to clear it from the received Doctrine of our own Church, then from the Doctrine of other Churches. Doth not Sir *Archibald Johnstons* by the testimony of unquestionable witnesses deserve all the commendation that is given him? Why then should it be carped at, if the things that are said of him be true (as they are) they do indeed make the Argument more bulksome; the Author doth once and again under-value the light held forth by him, and pith of his Papers: I shall not deny the Author the testimony of Learning and ability, and wishes that the Lord may more & more increase, and more & more sanctifie it unto him, that it may be improved for the Edification of many; But there is much of a Thrasonick spirit that as a vein runs through all this Vindication; the man whose light and pith he doth set so low hath (by the Grace of God) been instrumental to hold forth very much light to the Kirk of God in *Scotland*, in things relating to the work of Reformation, and his pith (by the power of the Lord) hath been acknowledged in both Nations. The Writer in relating of the business of the smothering of Sir *Archibald Johnstons* Letter, is challenged by the Author of much want of ingenuity, and speaking nothing of the truth; But let us see how this great challenge is made out? 1. He saith the Assembly never refused to have it read; but was it ever read? Was not the Assembly often desired to cause read it? Was there not often much debate about the reading of it? And was it not for a long time waved from diet to diet, & at last buried? I fear not but this in the account of ingenuous men will amount to a refusal: But saith the Author, most part of the whole Assembly were earnestly desirous to have it read; if it was so, then were there some few who did carry it otherwise, notwithstanding of the earnest desires of the most part of the Assembly, and it argues no great freedom, when the earnest desires of the most part cannot prevail to gain the reading of a Letter, because of the opposition of some few, who are otherwise minded. He doth withall intimate unto us, That
none

none were more desirous to have it read than the most part of these whom the Writer would insinuate (to be Readers unacquainted with the business) to have been opposers of the Reading of it; I would ask him who were the opposers of the reading of it? men for the Publick Resolutions, or men against them; I believe he will not deny but all the opposers of the Publick Resolutions who were in the Assembly did earnestly seek to have it read, and that all the men who opposed the reading of it were such as were for the Publick Resolutions, and some of them such as did belong to the Commission, and had hand in the contriving and carrying on these Resolutions; this seems not to be denied, but for taking off the weight off it, he comes to tell us that which he calls the truth, which he doubts not but the Writer knew in his Conscience, had he been so ingenuous as to tell it; But I can answer him by warrant from the Writer, that he concealed nothing concerning which he had any persuasion in his Conscience, as to the truth of it, in that which the Author speaks of: The matter alleadged by him, is that all this was from tenderneſſe and respect to Sir *Archibald Johnston*, by some of his friends in the Assembly who did perceive by looking on his Papers fundry high reflexions against the Supreme powers of the Kingdom, both King and Estates, which could not but have brought him in present trouble. This necessitates the telling more of the truth, which the Writer formerly spared to his own disadvantage: The Letter was delivered to the Moderator Publickly, in the face of the Assembly, in the forenoon, a little after the sitting down of the Assembly; upon the delivery thereof, the Moderator promised that it should be read, and brack it open (being open in the hand of him that was Clerk to the Publick Resolutions, and was now Clerk to the Assembly, opportunity was given to him, and fundry of these who were for the Publick Resolutions, and were the men who opposed the reading of it in the Assembly to read it in private) after which it was pressed to be read with much earnestneſſe and importunity at severall Diets of the Assembly, and much debate there was to and fro at severall occasions about the reading of it, but the result was alwayes carried to a delay, untill at last the Protesters leaving the Assembly, there was little or no more heard of it. That this was done out of meer kindneſſe, and respect to my Lord *Wariston* from whom the Letter came is not likely: 1. Because not onely did he himself in the very bo-

Some of it earnestly beseech; yea, obtest and adjure in the Name of Christ, that what he wrote to the Assembly might be read and considered, but the nearest and most intimate friends he had in the world, who were like to be tender of his danger (if any) did presse the reading of it, I mean not onely these in the Assembly who were of his intimate acquaintance, and intimately engaged with him in the defence of the same Cause; but also his own wife who came to St. *Andrews* of purpose with that Letter; and that notwithstanding she was dealt with by sundry of these who were for the Publick Resolutions to take it up, and not to presse the reading of it (that there might be some handsome shift for the not reading of it) refused to do it, and Women are known to be as tender of their husbands dangers as others. 2. The Lord *Waristons* Judgement and expressions in all these things were well enough known before that time, to the King, and to the Committee of Estates, and the reading might well have been a confirmation of the same thing, but would have furnished little or no new matter of ditty 3. There were no reflections in that Letter against the King & Committee of Estates, but in order to a conjunction with the Malignant party, and if the reading of these in the Assembly would have brought him present trouble, then surely it was not free nor safe for men who were of that opinion that the Publick Resolutions did involve such a conjunction, to speak their judgement freely in the Assembly upon these Resolutions, seeing his freedom of writing in these things would by the Authors own concession have brought him to present trouble. 4. This was not the way to keep off the danger, but rather to fetch it on, because it was the way to fill the Country with the noise of the Lord *Waristons* writing such a Letter to the Assembly, which some that loved him after the delivery thereof, Publickly did smother and keep back from being read, notwithstanding it was earnestly press'd by most part of the Assembly, which report coming to the King, and to the Commissioners, would in all appearance have occasioned them to call for the letter, which could not have been denied nor put out of the way, being now publickly delivered, and so much debate made thereupon in the Assembly: But upon supposall that it was friendship and tender respect of some (which yet upon the former considerations may be justly doubted of, at least it was all, or their most weighty reason) to the Lord *Wariston*; yet to say nothing

of their being more moved with the fear of his danger, than the prejudice of the publick Cause, which could not but suffer two ways by smothering of the Letters and Papers therewith sent, both by the want of the light held forth therein, and by the imputation of smothering of it; I wonder that the Assembly should have been so easily moved with these alleadgances which he speaks of, to wit, that the Assemblies precious time, whereof they knew not how short liberty they might have, should be spent in reading a particular mans Letter, whereas the Committees were not yet nominate, nor the Commissions Proceedings which is the first businessse that ought to be tryed, yet looked upon, and that the Papers offered to be read did amount to a volume which would have taken up all the Assemblies time, though there had been no other businessse, they being of a hundreth Sheets, and the Letter being of four or five sheets of thick Write. There was more time spent upon the debate of reading of the Letter, then it would have been read in to, it being not above the halfe of these sheets which the Author speaks of; if his testimony who wrote it may be believed; neither was the Assembly so much straitned with time, else they were no good husbands of it, because the first day they refused to read the Letter, they spent a great part of a Session more then would have served for reading of the Letter, debating about a Ministers mans and his gleebe, as many honest witnesses can testifie; and the Letter was urged and pressed to be read, not only before, but also after the nominating & setting all the Committees, both that which concerned the proceedings of the Commission, and all others. It was not a particular mans Letter, if by a particular man he mean a private person writing of businessses of his own; but it was the Letter of a publick servant of the Assembly, writing of the publick businessses of the Assembly; I mean the Clerk who was by his place bound to offer unto the Assemb. from their Acts & Records what he knew to be contributive for clearing of their proceedings, especially in businessses of common concernment of the Church; and this Letter did contain only purpose and businessse of that nature, and nothing at all of private or personall concernments: Amongst other things, there was therewith sent an Extract of many Acts of former Assemblies extracted out of the Registers of the Kirk, contradicting the Publick Resolutions. For the length of the other Papers, they were not so long, but they might have been read in a day or two at

most, or if the Assembly would not have read them, they might have committed them to some of their number to take inspection if there was any thing therein that might contribut to give light to the Assembly in the matter of the Publick Resolutions. It is somewhat strange, that the Assembly being upon the consideration and debate of these Resolutions, whether they were agreeable to the Word of God, the solemn League and Covenant, the solemn engagement to Duties, and other Acts and Constitutions of the Kirk, that they should have refused to take in consideration, or to read what was timeously offered to them in the contrary, by their own Clerk; and it is more strange, that notwithstanding of this, they will in the Act wherein they approve these Resolutions *Preface* thus, after due examination, long and much debate and mature deliberation, but must it (saith the Author) be such a crime for which the Assembly must be judged null, that such a motion was referred and delayed to a more convenient time. It was not a delay to a more convenient time, but a delay altogether; let the Author tell us, if he can, when that convenient time came, or whether the Letter was not wholly laid aside, though not by a positive and formall resolution, yet waved from Diet to Diet, and never read, which is the more considerable, that the reading of it before the Protestation being so much urged, and the Protestation containing reasons against the unlawfulness of the Assembly, because of the want of freedom; yet even after that the Assembly went on, and approved the Commissioners Proceedings, without reading of that Letter; whatever the Author make of it; I doubt all circumstances being considered, if such an instance can be given in any free Assembly, the refusing to read former Acts and constitutions of Assemblies, and other things timeously offered unto them from the word of God, and the Covenant and Publick Papers of the Kirk by their own Clerk out of their own Registers for clearing of the Commissioners proceedings which were now in debate; and if the term of refusal please not the Author, the Assemblies proceeding to ratifie the proceedings of the Commission, without reading or taking in consideration these things offered unto them by their own Clerk, out of the Word of God, and their own Registers for clearing of these proceedings, notwithstanding that the same was timeously offered, and earnestly pressed by many members of the Assembly, and promised by the Moderator to be read; I believe common reason

son teaches, and these who treat of the nullity of Judicatories, and sentences tell us that it is a relevant ground of a declinator, or appeal, if the judge give sentence, without hearing what is timely offered unto him out of his own Acts; and the Laws by which he is bound to judge, for clearing of the cause. As to that instance given by the Author of a Paper laid aside in the Assembly 48. or 49. The Writer saith, that he is so far from remembering it well, that he doth not remember it at all; neither yet doth others whose memories are better then his; Its strange that the Author should know it for certain, and yet should neither know what Assembly it was, nor what the business was, nor who the persons were; yet because he affirms it for certain, I shal not deny it, nor say that it is untrue, but till he tell us the particular circumstances of the case, and make it to appear that it is a paralel of the case now in question; I think he will allow us not to lay weight upon it. Before he close his Answer to this Argument, he labours to Vindicate the Commissioners from being Authors of smothering a Paper of Sir *Archibald Johnston*, because of a Protestation therein contained, against a Paper of theirs, approving what was done by the King and Committee of Estates against the Ministers of *Sterline*, and tells if the Writer meant so, it is a wrongfull slander of them: The Writer hath said nothing that may import that which the Author calls a slander: He thinks that it is insinuate; but I think he hath more insinuated it himself, whilst he saith the Commissioners were far from desiring them to be smothered, though one or two out of tender respect to his Lordship were unwilling that he should be brought to trouble. But was there any thing in that Protestation that would have brought him in trouble? I think it will not be alleged; why then should that have been smothered, where even the reason which is alledged to have been the true reason of smothering these Papers did fail? What ground of challenge there was against the Commissions Paper doth not properly belong to this debate, and I shal not now meddle much with it, but leave it to the Ministers of *Sterlin* whom it doth concern; yet did some judicious men, even some of those of the Civil Judicatory to whom it was given in, think that the Commission had gone too far therein, to give wound to the liberties of the Kirk in these things, which many worthy faithfull Ministers of this Kirk have been zealous to maintain and suffer for; I mean refusing to subject Minister

nisters Doctrine to the Civill Magistrate as the proper and immediate judge thereof; He gives the summe of that Paper in some particulars: The first is the clearing of the Committees calling before them the Ministers of *Sterlin*; he should have said the Committees citing and confining of them because of their Preaching against the Publick Resolutions; and that before they were cited and sentenced, by any other Judicatories of the Kirk; yea, before there was (by the Authors confession) any determination of the Church in that particular case; yea, when there was clear and positive determinations of the Church upon their side, and Acts binding them (under the pain of censure) not to be silent, nor to speak ambiguously, but to bear testimony against such courses, which also by the Oath of God in the Covenant, they were bound to reveal and make known. As to that practising of the obstructing of the Leavies, which he so frequently mentions, he would tell what it was beyond the bounds of their Calling, lest his Readers think that he would fain have them to believe somewhat of these Ministers, that did not become the Ministers of the Gospel, but cannot tell what it is. He saith, that the end why they were called, was, That some convenient course might be taken in relation to them, and securing the Garrison from danger, but hath not told us what that convenient course was, or could have been; neither (I think) can he tell us, but by justifying the course that was taken, that is, the detaining of these Ministers from their charges by Confinement. What convenient course could the Committee of Estates take in order to these Ministers, in an orderly way for preventing any pretended or apprehended danger that was like to come to the Garrison by their preaching, they having now declared themselves that they could not, but for the discharging of their consciences, continue to give warning against the sinfulness of these resolutions; they could not sentence them with any Ecclesiastick censure, & to confine or imprison upon points of their doctrine and Ministeriall Calling, without any Ecclesiastick processe going before in a Kirk settled in her Judicatories, Government and Discipline. I know not if the Author will justify it as orderly, The next thing done in the Paper was, to vindicate the Committee from the guilt of encroaching on the Liberties of the Church, charged upon them by a Protestation of these Ministers, which (as he alleadges) was of a very high strain. I confess that the Com-

mission was concerned to endeavour the vindication of the Committee, because they were accessory to what was done, as we have shewed before; but how they have acquitted themselves in that Vindication, shall not now be insisted upon, neither yet the strain of the Protestation, which is no higher then the truth will bear; but to make up all that Paper, did also approve these Brethrens Protesting, in so far as it was provisionall for the Liberties and the expresse desires that these Brethren might be respectfully used as Ministers of the Gospel. To which I shall say nothing, but leave to these that can have opportunity to read that Paper, and then they will be best able to judge what that approbation was, and what arguments are used in the body of the Paper for enforcing the desire in the Conclusion concerning their usage.

VINDICATION.

THe last Argument is, that it cannot be a lawfull free Assembly in which persons under tryall are admitted to sit as judges in the same thing for which they are under tryall: But the Meeting at St. Andrews and Dundee was such, the Commissioners therein were admitted to sit as judges in the self same things for which they were under tryal: This is absolutely denied, but the Writer goes about to prove it by the instance of some particulars: 1. Because the Commissioners before the approbation of their Proceedidgs, did sit as judges of the Protestation, a part whereof was, that their Proceedings should not be ratified, because they did involve a conjunction with the Malignant party, contrary to, &c. 2. They did also before the approbation of their Proceedings judge the persons who had given it in, and did give their votes amongst others, who of them should be cited in order to censure. 3. Nay the Committee wherein that businesse relating to the Protestation and in giving of advice was handled, was for the most part of it made up of Members of the Commission, which thing will be acknowledged we believe (saith he) by indifferent men very unsuitable and inconsistent with the liberty of a free Generall Assembly, and then he addeth, that neither would he have others, nor do they themselves lay much weight upon this argument, unlesse two points of fall upon which it is grounded be found true: First, that the Protestation was judged, and the five Members (it is yet questionable whether they were Members or not; their Commission being

being controuerted, unlesse he thinks them essentially members) were appointed to be cited before the approving of the Commission of the Kirk. Secondly, that the members of the Commission had voice in these things, insinuating, that if these matters of fact be clear, as they were informed; the Argument is voted to batter down that Assembly, as not free, and as null. Answer: It is true these five persons were appointed to be cited before the approbation of the Proceedings of the Commission, but not in relation to censure, absolutely and peremptorily; but to answer for their deed of Protesting, and in case they should not justify it, or passe from it to be censured; Whether the Protestation itself was judged before the approbation of the Commission, my memory serveth me not to say positively, I suppose it was, yet let it be cleared by the Minutes of the Assembly; but give me leave to say it humbly, that granting both these matters of fact, yet the argument will be found by any indifferent judicious man in the world, able to bear little weight, and in effect but a meer paralogisme in the whole probation of the Assumption, viz. that the Commissioners did sit Judges in the very thing in which they were under tryall: For as to the first particular, might not the Assembly have judged the Protestation before the approbation of the Commission, and yet in judging of it, not have judged the matter wherein the Commissioners were yet under tryall: yea verily they might; for why? they might as to that part of it, that is alleadged in this argument, viz. that the Commissioners proceedings should not be ratified, have judged that they should go on to try them, and if they did find them right and agreeable to the Word of God, and the Constitutions of this Kirk in that case to ratifie them; and I dare take it upon me, that if they did judge the Protestation before the approbation of the Commission, they did no other thing in relation to that particular. Now to judge that they should go on in the tryall of the proceedings of the Commission to approve them as it should be found, as said is, and to judge in the thing wherein the Commission was under tryall, to judge upon the proceedings, whether they were agreeable, as said is, or not, in themselves, are not the same but very different things; as any that hath half an eye may see and discern. And did not the Members of the Commission 48. judge and vote with others, that that Assembly should go on in trying the proceedings, ratifie them if they should be found right
and

and yet will he not say for that, nor can it in truth be said, that they judged and voted in that thing wherein they were under tryall: and therefore it is evident, the Commissioners might sit as Judges of the Protestation, even before the approbation of their proceedings, and yet is no wayes followes they did as Judges in the same thing wherein they were under tryall, whether the Writer hath reason'd thus loosely out of mistake, or on purpose, I cannot tell, I can hardly suppose the former of them, considering that this Paper evidences he is no child, if the latter be true, he hath sure promised himself very undecerning Readers, and his carriage is the more foul. To the second, the Commissioners might also have given vote With others, who of the Protesters should be cited and judged them also, and that before the approbation of their own proceedings, and yet so as it could follow no ways that they had sitten as judges in the same, wherein they were under tryall, i. e. their own proceedings: for Why they might have voted With others, & they did in no other manner of ways vote in the matter of these persons citation, but that they should be cited to answer and be tryed upon the grounds of the Protestation, and they might also With others judge the grounds of the Protestation, and found them not relevant, and thereupon sentenced them for protesting and declining the Generall Assembly upon such grounds, and yet the Assembly might have found upon tryall the proceedings of the Commission after Ward Wrong and censurable Without any contradiction. There is not a ground of the Protestation, but it might have been found non-relevant for protesting against the Assembly, before the tryall of the Commissions proceedings, and yet nothing being thereby imported more for approbation then for condemnation of the proceedings of the Commission. As to the third particular, the force of it falls to the ground With the two former, for it containeth no new grounds, but only a seeming aggravation of them, if they might sit in the Assembly in plenâ Curia, and judge decisivè, they might as Well in a Committee both deliberativè and preparatoriè, In these matters, viz. upon the Protestation and Protesters, and yet not judge any thing in the thing wherein themselves were under tryall, nor yet done any thing therein that could be any prejudice for approving or dis-approving of their own proceedings. Nay, I dare affirm it, that neither the Writer, nor any that was in the Assembly, shall be able to instance, that any of the Commissioners did judge or vote either in the Assembly, or any Committee of the Assembly, or any Act of it importing ei-

ther formally, or by way of consequence, approbation or continuance of their own proceedings. I shall here but add one word that any of the Commissioners did vote in the Assembly in the matter relating to the persons of the Protesters, or were on any Committee for that purpose? It was not their prejudice or to their advantage, but being a thing well known, I believe, to their own consciences, that some of these Commissioners were persons most tenderly affected towards them of any, and so did carry themselves. Now I leave it to the impartial understanding Reader to be judged if this last Argument against the Assembly is able to bear much weight, give it all the props the Writer requireth to sustain it.

R E V I E W.

THe Author in his Answer to this Argument, doth not deny any of these two particulars in the matter of fact, the truth whereof was acknowledged as necessary by the Writer for laying weight on the Argument, to wit, that the Protestation was judged and condemned, and the five Members appointed to be cited before the approving of the Commission-Book; and that the Members of the Commission had vote in these things; But yielding both, he doth justify what was done as just and orderly; For my part, I wonder of the Commissions modesty, and of the Assemblies wisdom in it, that needlessly would put themselves upon these rocks, which have to uncommonly a fronticepiece, that I doubt exceedingly if either the Author, or any man else when they have exercised their ingines to the utmost, shall ever be able to vindicate it from the appearance of evil, to say no more. But let us hear his answer to the particulars instanced by the Writer. It is true (saith he) that these five Members were appointed to be cited, before the approbation of the proceedings of the Commission, but not in relation to censure absolutely and peremptorily; but to answer for their deed of protesting, and in case they should not justify it, or passe from it, to be censured. To which I return first; 1. To pass by the debates that were previous to the citation concerning summar Excommunication, wherein (I believe) the Commissioners sate as Judges as well as others. The citation was in relation to censure absolutely, as appeared not only from the tenor of the summons, which hath no such caveats and provisos in it, as the Author speaks of, but also from this, that the Protestation was judged and condemned to be a crime before

before issuing of the summons ; and therefore the Author hath through inadvertence or willingly mistaken, when he insinuates, that there was place left for defending or justifying of their deed when they should compear. It were a strange method of proceeding, if the Commission should first condemn their deed, before hearing of what they had to say for justifying of it, and afterwards cite them in order to censure, yet with this *proviso*, that they would hear them to justify their deed; and it is little to purpose that they might passe from it, their passing from it did not exempt them from censure, unless it had been *ex gratia*, and by the mercy of their Judge ; But upon supposall that the summons had not been peremptory for censure, what is that to the purpose to refute what is alleadged by the Writer, that the Commissioners were not Judges of the Protesters, before the approving of their proceedings. Is it not *eiusdem citare & sententiam ferre* ? And did not their voice in the citation of the persons of whatsoever nature it was irrefragably say, that they might warrantably be Judges of their censure. It seems the Author saw somewhat of this, & therefore afterwards he answers, that the Commissioners might have given vote with others, who of the Protesters should be cited, and judged them also ; and that before the approbation of their own proceedings, and yet so as it could follow in no wayes, That they had sitten as Judges in the same thing wherein they were under tryall, *i. e.* their own proceedings ; for why (saith he) they might have voted with others, (and they did no other manner of way vote in the matter of these persons citation) but that they should be cited to answer and be tryed upon the grounds of the Protestation, and found them not relevant, and thereupon sentenced them for protesting and declining the Generall Assembly upon such grounds, and yet the Assembly might have found upon tryall, the proceedings of the Commission afterward wrong and censurable, without any contradiction : for why, if we will believe the Author, there is not one ground of the Protestation, but it might have been found not relevant for protesting against the Assembly, before the tryall of the Commissions proceedings, and yet nothing been thereby imported, more for approbation then for condemnation of the proceedings of the Commission. To these things I have answered before ; but because the Author is pleased to repeat them, I shall first offer an argument for proving that the Commissioners by judging of the Protestation, were Judges

of their own proceedings, and then another Argument for proving that the condemning of their Protestation could not well stand with the condemning of their proceedings. The First Argument is, who so judges upon the irrelevancy of the Exceptions grounded upon their own proceedings; Judges of their own proceedings: But the Commissioners in judging of the Protestation, did judge of the irrelevancy of Exceptions grounded upon their own proceedings, *Ergo*. in judging of the Protestation they judged of their own proceedings. The Second Proposition, I hope, will not be denied, because the Protestation could not be judged irrelevant but by judging of the Exceptions propounded against the Commissioners irrelevant, as the Author himself did formerly acknowledge; and that these Exceptions were grounded upon these proceedings is manifest: the exception of prelimiting of the Assembly being grounded upon thair Letter and Act sent to Presbyteries which was a part of their proceedings; and the Exception of their being scandalous being grounded upon the publick Resolutions which was another part of their proceedings. The first Proposition seems to be clear from the intimat connexion, that is, betwixt the one and the other of which the Author himself gave a hint before: But I prove it thus, Who so judgeth of the irrelevancy of Exceptions grounded on their own proceedings must find these exceptions irrelevant, either because they have no weight in law as not being contrary but consonant to the law, or not as yet being determined by the law, or else because they are not true, or the truth of them, not being yet made to appear, but they cannot judge of any of these without judging of their own proceedings, *Ergo*, &c. The businesse shall be clear by applying it to the things in hand: There is one exception proponed in the Assembly against the Commissioners, That they are scandalous, because of carrying on a course of Defection in publick Resolutions: This exception is by the Commissioners themselves together with the rest of the Assembly judged irrelevant; now I desire to know upon what ground, either because to carry on such a course in the publick Resolutions is no relevant ground to make men scandalous; and if so, either because these proceedings are not contrary to the Law, or else because they are not yet determined in law, or if they judge it irrelevant in reference to the Fact, it must be either because they judge the Fact false, or else because they judge it not yet proven; so that take it what way we will, it still follows that they passed judgement upon these proceedings

eedings after that judgment, these proceedings are not contrary to the Law : or thus, these proceedings are not yet determined by the Law : or thus, these proceedings are false in fact : or thus, these proceedings are not yet proven to be true in fact, and therefore the Exception founded upon them is not relevant to look upon the Commissioners as under a scandal, so also in application to that exception proponed against them because of the prelimiting of the Assembly by their Letter and Act ; That exception is judged irrelevant by themselves and others, either because there was no such Letter and Act to be found among their proceedings : or because such a Letter and Act did include no prelimitation but such as agrees to law : or else because it is not yet determined as to the point of law, or not proven as to the matter of fact : and so take it what way we will, it still includes a judgment upon the proceedings, for which they are under trial. The Argument which I offer for proving of the other Point, is this, Who so once judges the Commissioners proceedings to be consonant unto, or not to be condemned by the Law according to which they ought to be tryed and judged, cannot afterwards condemn the same proceedings, or find them wrong : But who so judges these Exceptions proponed against their proceedings to be irrelevant, judges these proceedings to be consonant unto, or not to be condemned by the law according to which they ought to be judged. *Ergo, &c.* The First Proposition seems clear and undeniable : The Second is proven, because Exceptions that are proponed upon matters of fact that are true & manifest as to the existence of them, cannot be found irrelevant but upon one of these two grounds; either because these Facts are consonant to the law, or not condemned by the law, and what is once found by the Judge to be consonant to the law, or not condemned by the law, cannot be afterwards (unless we would make him judge contrary judgment) found to be wrong, because what is wrong is contrary to the law. The application of the Argument may help the Reader to the clear understanding of it, when the Commissioners with other Members of the Assembly, by Condemning the Protestation, Judges and Condemns the Exceptions contained therein as irrelevant, they must upon supposal of the truth of the Facts which are manifest and acknowledged, find these Exceptions irrelevant, either because, these Facts upon which they are founded, are consonant to the law by which they are to be judged;

judged ; to wit, The Word of God, and Acts of the General Assembly, or because they are not condemned thereby : If they judge them consonant to the law, they cannot afterwards find them wrong by that law, because they have already by the same law found them right ; If not condemned, neither can they find them wrong, because that were to find them condemned by the law, by which they have already found them not condemned. If it be said, which for any thing my weakness reaches, is the only thing that can with any colour be said, That they might find these Facts as to the relevancy or irrelevancy of them not condemned, nor determined by any Act of any General Assembly, and so no grounds of relevant Exception, when they were offered unto the Assembly, and yet might afterwards find them condemned, by the Word of God, and so find them wrong. I return, 1. That by this Answer it is granted, That these could never be found wrong by any Act of the Assembly, which then was in being. 2. That the Commissioners and the Assembly when they judged of them in order to the relevancy of the Exception founded upon them, did not only neglect to give a judgment on them according to the just and inflexible rule, by which they are bound in the first place, and by their oath, to square all their proceedings, to wit, the Word of God ; but also gave a judgment of them contrary to the Word of God, to wit, That they were not relevant grounds of Exceptions, which is a judgment contrary to the Word, because the things being in themselves wrong by the Word, cannot but be relevant grounds of Exception. If it be said, That all that they judged was that it was not yet manifest by the Word that they were relevant grounds of Exception ; That still is but a poor shift to defend an ill Cause, because this follows, That they did condemn them, before they knew whether the Word of God did condemn them, or approve them : and this is indeed to my understanding the up-shot of the business, That it must either be yeelded that the condemning of these Exceptions, was the approving of these proceedings, or else that men in condemning of them, went on blindly, not knowing whether they did therein judge according to the Word of God, or against it ; Because what I have already said, doth cleer and take in what is material and of consequence to this business : Therefore I shall be the shorter upon his Answers to the other two Particulars mentioned by the Writer : He doth not deny, but the Protestation was judged before the ap-
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probation of the Commissioners proceedings: and surely if so, this was no handsome work, not only because the Commissioners sat as Judges to condemn the Exceptions propounded against themselves: but also because a part of the Protestation was that the Commissioners proceedings should not be approved as involving a conjunction with the malignant party, &c. And it is somewhat strange that they should condemn a Protestation against the approving of these Resolutions before they find these Resolutions approvable: & that the men who were under trial in order to these Resolutions, should sit as Judges, in condemning a Protestation against the approving of them. The Author thinks, that the Argument will be found by any indifferent judicious men in the World, to bear little weight, and to be a meer Paralogism in the whole probation of the assumption; to wit, That the Commissioners did sit as Judges in the very thing for which they were under trial: I hope before this time judicious men may see something in it that will bear weight, and that there is no Paralogism in the probation of the assumption. The first part of his Answer to the First Particular, is *a posse ad esse*, that the Assembly might have done so, therefore they did so; that the Assembly might have judged the Protestation before the approbation of the Commission: and yet in judging of it, not judged the matter whereof the Commissioners were yet under trial: yea, verily they might (saith he) for why they might as to that part of it which is alleged in this Argument, viz. That the Commissioners proceedings should not be satisfied, have judged that they should go on to try them, and if they did find them right and agreeable to the Word of God and Constitutions in this Kirk, in that case to ratify them; whether they might have done this is not now the Debate: It seems by what is said, That they could not have done it, but he dare take it on him, That if they did judge the Protestation, before the approbation of the Commission, they did no other thing in relation to that particular: Now saith he, that they should go on in the trial of the Commissions to approve them if it should be found as said is, and to judge in the thing wherein the Commission was under trial, &c. are not the same, but very different things, as any man that hath half an eye may see and discern. This seems to suppose that when the Assembly did first condemn the Protestation, they did not condemn it all, but only a part of it, to wit, That part that was against the lawfulness and freedom of the
 Assem-

Assembly, leaving a reserve for the other part, against the ratifying of the Commissions proceedings, until these proceedings should be tryed: but I cannot take this for granted, until he verify it by the Act it self, which doth condemn the Protestation, whereof I doubt exceedingly if it do contain any such limitation; if it had, it is like that he would have told us directly of it, but upon supposal that it did, yet that doth not take off the difficulty, nor Answer the Argument, because as we have already shewen, the Comissioners, by judging the relevancy of the exception proponed against themselves (which they judged of, when they condemned the first part of the Protestation, against the lawfulness & freedom of the Assemb.) they judged their own proceedings, whereof no such instance can be given either in the 48. or any other lawful free Assem. of this Kirk, As to that of the 48. we have often shewed that in al that busines. he goes upon mistakes, to wit, That the Parliament did except against such Members of the Assembly as were Members of the Comission. As to his judgment of the Writers reasoning, it is such as doth make it appear, that he had rather chuse to allow to him the testimony of some ability, then not to fasten the imputation of a foul miscarriage upon him; For he saith he cannot tell whether the VWriter hath reasoned this loosely out of mistake, or of purpose; he can hardly suppose the former, considering this Paper evidences that he is no Child: If the latter be true, he hath surely promised himself very undecerning Readers, and his carriage is the more foul. It seems the Authors judgement of the Writer towards the end of his Vindication differs a little from what it was of him not far from the begining of it, or else he speaks of him so as may contribute most for making him contemptible. There he brings him in as one that in the pening of his Paper must have the help of others, for the School and for the Law of it, that he may be looked upon as a weak man, and here he styles him as one that is no Child, that he may be looked upon as a Sophister: But I beleve the Writer will rather chuse rather to be accompted weak, then wicked; rather a Child, then a Deceiver; and he hath upon this accompt, and upon the accompt of his own innocency in this particular, warranted me to tell the Author, and all others who reads these Debates, That if in the proof of the *minor* of this Argument (that the Comissioners sit as Judges in their own proceedings) he hath reasoned loosely, he hath the testimony of his own conscience bearing witness to his integrity,

regret, that he hath not done it of purpose, but out of mistake; not wilfully, but in simplicity; and wishal, that he is so far from being convinced of any mistake in this, by any thing that is yet said, that he is more and more cleared and confirmed that they did sit as Judges in their own proceedings, for which they were under trial, notwithstanding of any thing that is said by the Author for clearing of them; but of this I leave the judgment to the Readers. As to the third particular, I acknowledge, that if the other two had been satisfisfyingly answered, the force of it would have fallen to the ground, it being indeed but an aggravation of the former; yet such an aggravation as adds not a little weight to it; for all men know what influence the preparations and deliberations of Committees have upon the Judicatories, whose Committees they are. But these two particulars being established, and it being true (as it is not denied by the Author himself) that the Committee wherein the Protestation, and that which concerned the citing of the Protesters was handled, was for most part made up of these, who had been Members of the Commission; no question they had in all this business a great influence upon the determination of the Assembly, and did bring a prejudice to the judgment, relating to their own proceedings, yea did that, that did involve an approbation of their proceedings, at least a judgment that they could not be condemned or found irrelevant; and therefore the Author dares to affirm too much, when he saith, That he dare affirm it that neither the Writer nor any that were in the Assembly shall instance, that the Commissioners did sit and vote either in the Assembly, or in any Committee of the Assembly, or any Act of it importing either formally, or by way of consequence, approbation or condemnation of their own proceedings; we having made the contrary to appear, what was the carriage of the Commissioners in these things that past in the Assembly towards the Protesters, whether their voting and judging in that matter was to their prejudice or disadvantage; if he mean in order to censure I do not know, as never having had the opportunity to be perfectly informed about it; I do indeed believe that some of the Commissioners were tender, as to the matter of censures, both in regard of the censure, and of the number of persons who were to be picked out for censure; But to say nothing that all of them were not so, and for any thing I know none of them were free of laying the ground of their censure *ib. v. of*

condemning the Protestation, and declaring it to be censurable, it doth not contribute any thing, for answering of the thing that was objected, that is, that they were admitted to sit as Judges of their own proceedings, for which they were under trial; and therefore notwithstanding this, or any thing that is said to the Argument, it still hath weight against the Assembly, of which I am content that all impartial understanding Readers should judge: I do in reference to this Argument, and the Argument of pre-limitation, and that of the rejecting of the Exceptions propounded against the Commissioners close with the words of these Divines and Lawyers in their Greivances against the Council of Trent, *Quale vero hoc Concilium futurum sit, aut quid tandem libero Concilio simile habiturum, in quo litigatorum altera pars, & quidem rea, cum confortibus eodem iudicio personam iudicis quoq; sibi sumis, & iudicii adfessores sub arbitrato deligit, iudiciumq; pro sua libidine constituit, quarelam & accusationem nullam audire vult; Imo accusatores inaudita causa, & priusquam iudicii compareant, protinus damnet id (inquam) iudicium quid iudicij simile habiturum sit facile cui vis sine longiore commemoratione nostra estimare poteris.*

VINDICATION.

ANd now upon all that hath been said, let every one judge in the fear and sight of God, whether or no all the Reasons contained in the Protestation it self, or in the latter Papers, be relevant grounds to protest against, or nullifie the late Assembly as unfree and unlawful in the Constitution and manner of proceeding therein; or if in the Constitution or manner of proceeding therein there was such encroachments upon the liberty & freedom of Assemblies as which the Writer boldly affirms in answer to his first general Objection formed against himself, as destroyed almost all the Essentials of an Assemblies freedom in Election, Voting, &c. or such incroachments as moved the Assembly 38. to judge null the pretended Assemblies condemned therein, or if the Arguments brought against the late Assembly be as strong as any brought against these: both which the Writer affirms too boldly *ibidem*, but puts their trial over upon the Reader, wherein I think he did wisely, for I am perswaded had he taken the pains to make a particular parallel faithfully comparing the one with the other, he should evidently

dently fail in the proof, and wrong his credit by so discovering the rashness of his Assertion. As we have cleared the Reasons brought against the Assembly, so we have been at a little pains, according to his desire, to take a view of the Reasons brought against these Assemblies, and shall also be at the pains to set down some of them here, that the Reader of the Vindication (who it may be hath not the Acts of that Assembly at hand) may consider them; as 1. Lithgow 1606. but seven days; Aberdeen 1606. but 20. days before; Perth 1608. but 20. days before, contrary to clear & express Law, and causing the absence of many Commissioners. 2. Commissioners from Presbyteries not elected, but enjoined to come by the Kings or Bishops Letters, or both Lithgow 1606. first & second; Glasgow 1610. first Session. 3. Many voters, as Judges having no Commission from the Kirk, Lithgow 1608. only 22. men, Officers of State, Counsellors, Barrons and Bishops: Glasgow 1610. 30. Noblemen and Barrons, beside the pretended Bishops. Aberdeen 1616. 25. Noblemen & Gentlemen. Perth 1618. 19 Noblemen and Barrons: 11 Bishops. 4. Many Supernumerary Commissioners for Presbyteries, Burroughs in sundries of them. 5. Threatning of Commissioners to vote as the King would, Glasgow 1610 3 Perth 1618. With the Wrath of Austerity, Imprisonment, Banishment, Deprivation of Ministers, utter subversion of the Estate; yea, that whether reasoning or number of votes should carry the matter. Bribing of Commissioners, Glasgow 1610. 3, 5, 7. no election of a Moderator, but usurpation of that place by the Bishops, Aberdeen 1616. Reas. 1 Perth 1618. 2. 8. No Ruling Elders sent from Presbyteries, Glasgow 1610. Reason first, 9. Grounds of proceeding in voting not in the Word of God, Confession of Faith, Acts of the Assemblies: but the Kings Commands Perth 1618. Reason 9. Now Reader compare these with what hath been said in the Examination of them, and judge thou impartially, if no stronger Arguments was brought for the nullity of these pretended Assemblies then this Writer hath brought against this.

R E V I E W.

IT is indeed fit that in a matter of such consequence, men apply themselves seriously to search out the truth, and to judge thereof in the fear and sight of God; and therefore without opposing confidence to confidence, I leave men so to do upon all that hath

been said; and then to give sentence whether the Reasons contained in the Protestation, and in the latter Papers, be not relevant grounds, to protest against & to nullify the late Assembly as unfree and unlawful in the Constitution & manner of proceeding; & whether the Writer had not reason to affirm, that there was such an encroachment upon the Constitution thereof; and right manner of proceeding therein, as did destroy almost all the essential requisites of a free Assembly; freedom of Election, free Voting, free access and recess, free hearing of what was offered for light, impartial hearing and discussing of Exceptions against Constituent Members; admitting of Presbyteries, who were under trial, to sit as Judges upon particulars relating to themselves: and whether there was not such encroachments as moved the Assembly 38th because of the like to judge several of the former Assemblies to be null: or whether stronger Reasons are brought for nullifying any of these pretended Assemblies then of this. The Author thinks these to be too bold Assertions in the Writer: but I hope they are not more bold then true; and *viribus non quarit angulos*. That the Writer did not make any particular paralel of the Reasons of the nullity of this Assembly, with the Reasons of the nullity of these Assemblies, was upon no such politick principle as the Author insinuates, to wit, The fear of wronging his credit, or the discovering of the rashness of his Assertion; but to spare (as I conceive he thought) needless pains, the Acts of the Assembly being so common, and the paralel being so easie to every Reader of ordinary capacity and understanding: and if it was a fault in the Writer, not to make a particular paralel, faithfully comparing the one with the other, and weighing Reason with Reason; the Author can much less be blameless who seems to undertake it, and yet doth little as to the performing of it, only he makes a short recapitulation of the Reasons of the nullity of these Assemblies, and leaves the Reader to make the paralel & comparison; and in this, what hath he done more then the Writer? except that he hath been at the pains to make some compend of these Reasons, which are more clearly set down in the printed Acts that are common. It is to be marked, that it is not asserted by the Writer, that all the Reasons brought for annulling of all, and every one of these Assemblies, are quadrant to this Assembly; but that there is none of these Assemblies, for the nullifying of which stronger reasons are brought, and therefore though
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some breaches of the right Rules of Constitution may haply be found in some of these Assemblies, which are not instanced in this Assembly, it makes nothing against this Assertion, nor for justifying this Assembly more then these, because there is none of these in which more or more weighty breaches of the Rules of Constitution can be found, then can be found in this. But let us take a view of the most considerable Reasons brought for nullifying these Assemblies, and compare them with the Reasons which are brought for nullifying this: the first is, The want of proper induction which caused the absence of many Commissioners. To this there was something equivalent in this Assembly that caused the absence of many Commissioners, to wit, The troubles of the times which in some places hindered the Elections, and in others hindered the Commissioners from coming. The second is, want of freedom in the Election of Commissioners in Presbyteries, because of Letters from the King and the Bishops, requiring them to chuse such and such. To which was equivalent in this Assembly, the pre-limiting of Elections of their freedom by the Letter and Act of the Commission, excluding all those who were opposit to the Publick Resolutions. The third is, the admitting many to voice in the Assemblies, who had no Calling nor Commission so to do; to which is equivalent in this Assembly, the admitting the Commissioners to voice, notwithstanding of just Exceptions proposed against them, before the discussing of these Exceptions, and the admitting them to voice in the discussing of them. The fourth is, the want of freedom in voicing, because of threatenings under no less pain then the wrath of Authority, Imprisonment, deprivation of Ministers, &c. To which was equivalent in this Assembly, the Kings Letters, and the Commissioners Speech, with the previous warnings, Remonstrances, Letters and Acts of the Commission characterizing those who were against Publick Resolutions as Malignants; and appointing them to be censured, and stirring up the Civil Magistracy against them, together with the Acts of Parliament made against such, which Acts did involve more and more certainly against the opposers of Publick Resolutions then any of these threatenings could do, because there was no Law, as yet, for executing of them. The fifth is, the practising some of the Articles concluded in these Assemblies before the Assembly it self, notwithstanding that these Articles were formerly condemned by the Church, by which their Voices

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were pre-judged by the practice of these Articles before condemned by the Church, and therefore they should have been secluded from voicing. To which in this Assembly is equivalent, the practising the Publick Resolutions by many Members of the Assembly before the Assembly concluded the same, notwithstanding they were before that time clearly condemned by the Church: I dare say as clearly as ever kneeling at the Communion, or festival-daies, were condemned by this Church, before the Assembly did conclude them to be practised. The sixth is, the limiting of Commissioners of their power and Commission given unto them by their Presbyteries, which was also done upon the matter by Presbyteries, sending Commissioners to this Assembly. For besides that many Presbyteries, in obedience to the Letter and Act of the Commission, did chuse none but such as was for the Publick Resolutions: passing by all such as were against them: so some Presbyteries did expressly discharge some who were chosen because they were opposit to the Publick Resolutions; of which I have given two clear instances already, one in the Presbytery of the *Mearns* who did by a Letter intimate the Lord *Arbuthnot* (whom they had chosen to be Ruling Elder to the General Assembly) that if he had any hesitation or scruple to declare himself satisfied with the Publick Resolutions, they behoved to make choise of another: Another in the Presbytery of *Kirkcaldy* discharging the Ruling Elder chosen for the Town of *Burns-Island*, upon the account of his being opposit to the Publick Resolutions. Besides these Reasons, there be also others mentioned and cleared, in the Debate that contribute for proving the nullity of this Assembly; and when all these are put together, I beleve it shall not be found that there were more, or more material Reasons brought by the Assembly at *Glasgow*, for nullifying of any of these 6. pretended Assemblies, then are brought for nullifying of this; and therefore the Writer hath done no wrong to his credit, nor shewn himself rash in affirming so.

VINDICATION.

After all these Arguments brought to nullifie the late Assembly, the Writer brings some general Objections against their protesting against the Assembly, formed at his own pleasure, and Answereth them. He needed not been at this pains I doubt not, honest and understanding men interested, in time convenient, will represent Reasons enough against it themselves,

nor will we stay to trace him in these, considering how feeble and weak the grounds were whereupon the Protestation was built. The Authors of it, though I question not their finding mercy at Gods hands, yet shall they never be able to wipe away before the eyes of impartial men of this and succeeding generations who shall be rightly informed of it, the blot of Parting this Work, and exposing our Government to be reproached of the Enemy, by needless putting off, and of the bloody unsatisfactoriness of it: it may fit & them to remember what a time it was they gave it in; wherein the Blood of their Brethren shed in Defence of their Country, was as yet trickling from the ground, and what contentment and insultations many of them yielded in their countenances and speech, at the very circumstance of time; and that they would not delay the in-giving of it one day, though Hearing and admittance was promised to them; and if they could not at all be present personally, might have been present in their name; but they would needs give it then though it was upon a night, and the translation of the Assembly was voted before. I shall add but a word or two more; one is this: I put it to some of their consciences if it was not apprehension that the Assembly would approve the proceedings of the Commissioners together with the decision of that day; or that they moved them indeed to give that Protestation more then conscience of any weight of the Grounds whereon it was built. I gave only these two Evidences of this: That they did so earnestly press the Assembly to be, but adjourned upon that ground; that there were such differences about these proceedings, 2. That until that day some of themselves had sitted and voted in it, as in an Assembly lawfully constituted, compared in Committees of the Assembly, yea, sitted as Assemblies in them, some of them being Moderators and Clerks of these Committees cognosed upon matters that came before the Assembly, made reports to the full Assembly, concurred with votes in making several Acts of the Assembly, until that very day the blow was given at Incekeithen; and even then when the Assembly met at night to advise about translation they voted that that business; it is true, They voted not for translation, but for adjourning of it; But that same did necessarily import their acknowledgement of it for that present was a lawful Assembly; however now they do profess that that was an error and fault: Let these things do clearly enough evidence, that at the time of the in-giving of the Protestation, it was not conscience of the weight of the grounds whereon it was built (as they pretended in the Protestation) but some other thing, even that which was said before, that moved them to protest against the Assembly:

R E V I E W.

THe Author is pleased handsomly to wave the answer brought by the Writer to these objections, though many of them be home to the purpose: He brings for his Reasons, that the grounds of the Protestation are weak and feeble. But the sentence of one who

who is party, is justly liable to the suspicion of partiality. If there be no more to be said against the grounds of the Protestation then is in his Vindication, they may haply be found strong enough notwithstanding both of his underminings and batteries: I shall the less wonder at his big words, to wit, That the Protesters shall never be able to wipe away, before the eyes of impartial men of this and succeeding generations, who shall be rightly informed of it: The blot of dividing this Kirk and exposing our Government to the reproach of the Enemy by needless proposing of it; because it is of his interest and concernment to put these things from his own door and the door of his complices. But in this the Protesters with much trembling and fear do make their humble appeal to the Lord Jesus Christ, desiring Him in mercy both to the one and to the other, to bear testimony at whose door the guilt of these things doth mainly lie, whether at theirs who on a sudden do change both their principles and party, or at theirs who adhering to their former principles have born testimony against that change, and have studied, though in much weakness and with many failings and infirmities to preserve their Union *cum Deo, cum Fœdere, cum Pristina Ecclesia Scoticana*; and to preserve the Liberty of the Kirk of Scotland [jure] by protestation, when they could not do it [facto] by any other lawful means. As for the rest of the things which he saith in this Paragraphe concerning the bloody unreasonableness of it (as he calls it) When I read these things, that of David 2 Sam. 16. 12. when much like imputations were cast upon him, occurred unto me; nor that I mean to compare the Author to Shimai, though yet I wish he had been more modest in these things; but desires the Protesters to be comforted in their own innocency against unjust imputations. I see no cause why he should desire them to remember at what a time they gave it in; from any guilt they had in the in-giving of it, the consideration of the Lords tryling that dooful stroke at *Immeritten*, with the more doofu defection of the Church of Scotland, doth indeed afflict them and wound their hearts as often as they remember of it: But in the in-giving of the Protestation they have peace, as having done their duty therein: That any of them did by the contentment and insultation in their countenance and speech at the very circumstance of time is a causeless reproach, and more then he or any others shall ever be able to make good, or hath any just ground to alledge: He had

had deaft fairly if he had fet down thefe ſpeeches that gave evidence of their infultations, their own breafte beft know what was the frame of their ſpirits, and no man under Heaven can bring any evidence of their contentment, or infultation in their countenance and ſpeech. That they would not delay the in-giving of it, was upon theſe grounds: 1. Becauſe they did perceive they were already put to diſadvantages by delay. 2. Becauſe they did ſuſpect that it was not ſafe for them to go to *Dundee*, which ſuſpition was afterwards verified not to be groundleſs, by the uſage that ſome of their number met with in that place. 3. Becauſe they doubted if the Aſſembly ſhould have liberty to tranſport themſelves to fit elſewhere, the *Engliſh* now being Maſter of the Fields. That it was given in when it was near midnight, and after the adjournment of the Aſſembly, are no aggravating circumſtances of the buſineſs; but the reaſon was, they delayed as long as poſſibly they could, being loth to fall upon this laſt remedy till they have the utmoſt. As for that Queſtion that he puts to the conſciences of the Proteſters, I ſhall give a conſciencious and ingenious Answer thereto in both the parts of it, expecting that he will do the like upon Queſtions put to him after this manner. As to the firſt part of it I do indeed think that the apprehenſion, or rather the almoſt certain knowledge, that the Aſſembly would approve the proceedings of the Commiſſioners, had weight with the Proteſters, both to look more narrowly to the lawfulness and freedom of the Aſſembly, and to think more ſeriouſly upon a Proteſtation then otherwiſe they would have done if the Aſſembly had been like to improve their power (whatever it was) unto Edification: many things may be born with and winked at in legalities and forms, and wayes of proceeding in Judicatures, when their proceedings for the matter are right, which yet may be juſtly cenſurable in themſelves, and which others may be ſtirred up to take notice of by things relating to the matter: But that the apprehenſion of the Aſſembly approving of the proceedings of the Commiſſion did make them hazard upon a Proteſtation againſt the Aſſembly, upon ſuch grounds as to their conſciences were not weighty and relevant, I will aſſure him is an untruth; they were convinced in their conſciences before the giving in of that Proteſtation, that theſe grounds were relevant, and their light and conviction is from day to day more and more encreaſed in this thing, albeit it was, and is unto them a matter of great ſadneſs to ſee a General

ral Assembly of the Kirk of *Scotland* corrupted in the Constitution and actings of it, yet they did, and do look upon it as a wonderful providence of God, that as all the former Assemblies that carried on courses of defection in this Church, were also corrupt in their Constitution; So this Assembly which did ratifie the Publick Resolutions that do involve a course of defection, & make sundry dangerous and destructive Acts, was, as to the Constitution of it, unfree and unlawful, and therefore no Assembly at all. As to the other part of the Question, That it was the occasion of that dayes event that moved them to give in that Protestation, more then the conscience of any weight of the grounds whereon it was built. He that is the searcher of hearts knows that it was not so, and that that dayes event had no influence at all upon the Protesters in giving in of that Protestation, otherwise then that the dayes event occasioning the adjournment of the Assembly from *St. Andrews* did occasion the giving-in of that Protestation before their rising, lest there should not be another opportunity. And to make it to appear that it was not the occasion of that daies event that moved them to give it in, I desire these particulars to be taken notice of: 1 That it was resolved upon and subscribed 48. hours before there was any report of that daies event at *St. Andrews*; it was subscribed upon the Friday, and the report of that event came not till Sunday at night late. 2 When it was subscribed, it was earnestly prest by some, that it might presently after the subscribing thereof, or the next day without further delay be given in to the Assembly: and upon this very reason among others, lest if our Forces should be defeated, before the in-giving of it, it might open the mouths of some to say, that which is now spoken by the Author. If it be asked, Why it was then delayed? The reason was, because some was absent who had been upon the debate of it, and were like to subscribe it; therefore it was resolved, that it should be delayed until Monday, till they might be present to put to their hands, and that on that day without further delay, it should be given-in without respect to any events, yet so, as if that the Assembly should be adjourned before that time, of which there was a constant rumor because of the fear of the approach of a Party of the *English*, that it should be given in at the time of the adjourning the Assembly, and accordingly some of the number were named to waite on and to do it upon that exigent. The things which
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the Author brings for verifying his alleadgances are soon Answered. The pressing to adjourn the Assembly upon that ground that there was such differences about these proceedings, was because they did rather incline to strain themselves to the utmost, and to except of any tolerable remedy, then that the Assembly should go on to ratifie a course of Defection, and to lay a foundation of bearing down opposers of publick Resolutions, by making Acts for censuring of them, as afterwards they did: yet so, that if the overture of adjournment had been hearkned to, they would not have been satisfied, but with such provisions as might have been remedy at least for the future, for preventing such things as were wrong in the Constitution, and might have given some probable hope of right composing of Differences: That till that day some of themselves did sit and vote in it, as one Assembly lawfully Constituted, is an alleadgance without a bottom. They did indeed sit and vote in it several dayes, but with a Protestation oftentimes renewed both before and after the chusing of the Moderator to be heard upon the Constitution of the Assembly without satisfaction, in which they could not acknowledge the Assembly. And the reason why they did sit and vote till the day of *Inkerishing*, was that which I have told already, because they were loath to use the last remedy, till there was no hope, That any other could be effectual to bring things to any tolerable condition: the Author cannot but remember that there was Conference both upon the Thursday, and upon the Friday, betwixt some of the Commissioners and some of the Protesters in order to a good understanding, and some right way of composing Differences, and preventing of further Divisions, and of a wider breach; and how much and how earnestly some did with tears press the Commissioners, that they would be instrumental to get the Assembly adjourned, and how peremptorily they did refuse, so much as once to speak in it. Their *salvo* in the Assembly was also *salvo* enough for them to be in Committees: and for their voting in the adjournment. I have told upon what ground they did it, it doth but at the utmost say, that they did strain themselves to the utmost, and further then otherwise could have been convenient, until necessity forced them to use the last remedy of Protesting: From all which it may appear, notwithstanding of any thing said by the Author to the contrary, That it was the conscience of the weight of the grounds whereupon it was built, and not that which

alleged by the Author that moved these men to protest against the Assembly : The Author is a very bold and uncharitable Censurer of the Protesters, not only as to the matter of their actions, but as to the motives and inducements of their actings. In the beginning of his Vindication, he hath holden forth some of them, as acting upon Biassed and Self-interest, and as belying all their great Professions, of respect to the Government of this Kirk by their Actions. Now in the close of it, he holdeth forth all of them as men void of conscience in this particular, and acting upon other grounds, notwithstanding of their pretending to Conscience : I thought that whatever had been his Opinion of some of them, yet that he had had a better and more honorable estimation of others of them.

VINDICATION.

I Shall in the next place speak a word to one or two passages contained in the general Objections, because in the one the Writer pretends to hold forth a new argument against the lawfulness of the Assembly, in the other through the sides of it, he strikes at the Assembly of Glasgow 38. is self: The former in the answer to the second Objection is this, *Albeit there were nothing relating to the points of forme, viz. to the Constitution and manner of procedor of the Assembly, yet some conceive, and wish much appearance of reason that an Assembly proceeding wrong upon matters is null, because Kirk Judicatories have no power to destruction, but all their power is to Edification, and all power Commissioners of a General Assembly have, it is by Commissioners from Presbyteries which Commission limiteth them to the Word of God, the Covenant and Acts of former Assemblies, and therefore in so far as they do any thing contrary to these, in so far they may be declined as having no power for doing any such thing, which furnishes a new argument, not before alleged for declining the Assembly, because in the most of all the materials of their proceedings they proceed contrary to the trust committed to them by Presbyteries. Answer: We are not now disputing about the right or wrong of particular Acts and Constitutions of the Assembly; the Writer doth but affirm they are wrong, and this saying is not to be holden for sententia lata, nor is it an Oracle; but to the present matter: 1. Supposing as the Writer doth, and we conceive we*
may

have in what goes before made a more clear supposition, nothing could be alledged in the point of forme, that which indeed here maketh nothing for justifying the deed of the Protesters who Protested against the lawfulness of the Assembly, when as it had not come to any of these Proceedings which the Writer alledgeth to be wrong in the matter, this sure I am cannot be justifiable. But secondly, if the Writer by these some, who conceive, as he saith, meaneth any some Orthodox Writers, it had been fit he had named them and cited their words and writings wherein they express that conception, that we might have had consideration of them. If he mean some of themselves, their Authority cannot have weight in this matter, being but a party without authority, speaking in their own cause, and for their own advantage, but for the thing it self which is asserted here, that an Assembly against which nothing can be alledged in the points of forme, to wit, in the Constitution of it, for its manner of Proceeding is a null Assembly. 1. According to the state of the question in hand, a not having the being of an Assembly, but to be holden a meer meeting destitute of Authority, because proceeding wrong in the matter, id est, making some wrong Acts, is in my weak judgement a most dangerous and irrational conception, I confess indeed that a Gen. Assembly is not a Judicatory absolutely sovereign, whose Constitution is to be embraced upon its bare undaunted authority as Papists make their Councils to be, but Ministerial subordinate unto, and limited by a rule, and not unfal-
 lible, and therefore that inferior Judicatories, and private Christians also must make use of the judgement of discretion to compare the Constitutions with the rule, and are not obliged to receive them if they be contrary to, or dissonant from the rule; but to say that notwithstanding it be constitute so as nothing is wanting or amiss as to the points of forme requisite in such a Judicatory, yet if it make wrong constitutions upon the matter, that it is to be holden an Assembly at all; that is to open a gape to confusion, inferring that absurd consequence, that that Assembly is not completely constitute in the being of an Assembly, untill all the Acts of it be concluded and ended; and that untill it be concluded no man can acknowledge nor submit to it, but with a reserve, and if it shall be so, I see not how it can be avoided by the like reason, that Acts wrong upon the matter must make a Presbytery not a Presbytery; yea, and a Minister a non-Minister, which no man will see to be most con-
 trary.

contrary to the practise of CHRIST and his Apostles in relation to the Priests and Kirk Judicatories among the Jews while they were a Kirk, it is also remarkable, that that solemn Assembly of Glasgow in declaring the nullity of the six preceding Assemblies doth never take an argument to prove the nullity of any of them from the matter of the Acts made in them, while yet there was very fair occasion so to have done, if that Assembly had been of the Writers minds. The second grounds upon which the Writer saith this conceits hath great appearance of reason, are of that sort of arguments that Aristotle calls *ἐν τῷ παρρησιάζειν* *ἢ πῶς*, id est, That hath appearance, but not solidity, id est, That Kirk Judicatories have no power for destruction, but all their power is for Edification; he might have taken a large subject to his denunciation, even all Judicatories both Civill and Ecclesiasticall, for no Civill Judicatory nor Judge, nor Magistrate, more then Ecclesiasticall hath his power *ἐκείνῃ*, id est, morall power for destruction, but all is for edification, in their kind, viz, for the preserving and procuring the good and safety of the people, which is *suprema lex* by just Acts. Is then that a good consequence, an Assembly that maketh destructive Acts is null, then its as good a consequence, a Parliament that maketh destructive Acts is no Parliament, and a King that maketh destructive Acts is no King. The truth is, an Assembly that makes Wrong Acts dissenting from the rule it should walk by, Acts not as a lawfull Assembly should do, nor are these Acts made obligatory, or to be obeyed, but yet for all that, it may be a true and lawfull Assembly, as to the essence and being of an Assembly, and having lawfull authority as the Parliament 48. in carrying on the sinfull Engagement, and many Acts destructive to the Commonwealth, and to the ends of Parliament, which people thought themselves not obliged to obey, and were afterwards condemned; and yet that Parliament was never denyed to be a lawfull Parliament: It was a distinction at that time common and uncontradicted, and for my part I cannot see a reason why it should not have place in relation to an Assembly, that the Act of it may be unlawfull, and yet is self an lawfull Assembly. The other reason is never a whit more to the purpose more then the former, for to let that pass which he saith in the antecedent, that whatever power Commissioners of a General Assembly have, it is by Commission from, &c. (which deserves examination) and if he mean that Commissioners sitting together

together and voting in a General Assembly, have only a delegate power, and deputed power subordinate to Presbyteries, can hardly be reconciled with sound Doctrine, concerning Church Government) yet supposing it to be so, no more follow; but that in such acts as the Assembly makes, contrary to the limitations and rules contained therein, they may get no obedience, and that such acts may be declined and Protested against; and in deed the Writer himself in his consequent infers no more but this much, forgetting in so short bounds what he had proponed as the point to be proven, for these are his very words: For in so far as they do any thing contrary to this, in so far they may be declined, as having no power or authority in doing such things: Which, what is it else but what we have said? But it doth not follow, that because they make acts contrary to the limitation of their Commission, therefore the Assembly may be declined and protested against absolutely, as not having the being of a lawful free Assembly, just as because, the members of a Parliament have all their power by Commission from the people of the Land, Commissioners of Shires from their Shires, and Commissioners of Burghs from their Burghs by a temporary election; & as I humbly conceive) Noblemen too by a kind of election, hereditary from the Commonwealth, & they are limited to the laudable fundamental lawes of the Kingdome, and unto the common principles of Justice; it follows well that if they make acts contrary to these they are not obligatory unto obedience, and in so far they may be protested against: But it doth not follow, that therefore the Parliament that makes them may be absolutely declined and Protested against as no lawful or free Parl. I know there are many differences between these Judicatories in other things, but I think the Writer shall be hardly able to let us see a reason why the parallel of this should not hold good. This is it that takes away the force of the second ground, for proving the point that was intended, however the impertinency of this second ground as to the point it was intended for, is discovered before; and I hope by what hath been said, it is sufficiently evidenced that the Writer hath brought no new considerable reason for the nullity of the late Assembly, as to the being of a lawful free Assembly, even suppose sundry of the acts and confirmations were wrong upon the matter (which yet is not granted, and he should have proven and not nakedly affirmed) but hath brought disadvantage to himself and the Protestation.

R E V I E W.

THe Writer is not positive in delivering his own judgement upon this point, that is here so much insisted upon by the Author, but onely saith that it is the opinion or conception of some with much appearance of reason, and therefore upon supposall that this opinion were not well grounded, he hath brought little or no disadvantage either to himself or to the Protestation, in alleadging the same; yea, I believe he will take it for an advantage to have the Truth discovered unto him; either in this or any other particular. For my part, I am loath, neither do I intend to fall upon the debate of this question, or to deliver my judgement positively therein (because, (if I be not mistaken) it is a thorny question, and full of difficulties on both hands, yet I cannot but take notice of some things that are set down by the Author in his large Answer to what was said shortly by the Writer: First, He tells us that the Writer doth but affirm that the Acts and Constitutions of the Assembly are wrong; and that his saying is not to be holden for *sententia lata*, nor is it an Oracle: None speaks Oracles but God, and the Writer takes no more upon him but to speak his opinion as a poor weak man; but I believe the Author knows, that it is not only the opinion of the Writer, and of the Protesters, and of such Ministers and Professors as are unsatisfied with the Constitution of the Assembly, but also of many others, even of not a few of those who were no opposites to the Publick Resolutions; I have hitherto met with few or none in estimation for Piety and Godliness that doth justify and professe their adherence to all the Acts of that Assembly as things tending to Edification, and promoting the work of Reformation in the Land; and seeing he is pleased to make bold with others, I think he will not offend if I appeal his Conscience, whether he thinks these Acts of that Assembly that do relate to the censuring of all Ministers, Expectants, Students, Elders and Professors who do not acknowledge the Constitution of that Assembly, and submit to the Acts thereof, such Acts as in themselves tend to the furthering of the work of Reformation, and advancing of Piety and Godliness in the Land. Next, I take notice of that which he saith, that supposing as the Writer doth, that nothing was wrong in the point of forme, that there is nothing in the matter

matter that will justify the deed of the Protesters, because they protested against the lawfulness of the Assembly, when as it had not come to any of these Proceedings which the Writer alledgeth to be wrong on the matter; in this the Author is mistaken, because the rejecting of relevant exceptions proposed against sundry of the Commissioners, both before and after the choosing of the Moderator was wrong on the matter, being prejudicial to the right Constitution of the Assembly, and a preparative to the justifying of the Commissioners Proceedings. Thirdly I would have him to know that the Writer by these some, whom he speaks of, doth not mean any of the Protesters themselves, though the Authority of some of them be of as great weight in the Protestant Churches as any of the Divines of this age, and being prior to the Protestation, needs not, nor ought not to be looked upon as the testimony of a party, but he means some Orthodox Writers, and these of chief, not in the Protestant Churches, whom (as I conceive) he thought he needed not to name, as having no great purpose to insist much upon the business: But for the Authors satisfaction, and the satisfaction of others, I shall name some; First *Calvin* writing upon the 23. of the *Acts* hath these words, *Nascitur quaestio, si bonore non est privandus qui male officio fungitur, peccavit Paulus Pontificem honore spolians? Responso. Inter Magistratus Civiles & Ecclesiae Praesules aliquid est discriminis, quamvis enim Civilis Imperii confusa sit perversaque administratio, Dominus tamen vult subjectionem salvam manere, sed ubi spirituale regimen degenerat, solvuntur piorum conscientiae ne injuste dominationi pareant; praesertim si impii Sacerdotii titulum, falso ad evertendam salutis doctrinam prae texant, sibi que dominationem arrogans qua ipse Deus in ordinem cogitur.* And *Paraeus* upon the same place moves the same Question, and gives Answer to it in these words; *Non sequitur à Magistratu Politico ad Ecclesiasticum, quia magna est dissimilitudo, magistratus politicus potest esse magistratus; quamvis sit impius ideoque ei obtemperandum quoad non praecipit quid impium; sed Ministri Ecclesiae deficientes à puritate doctrinae, & spargentes falsa dogmata, jam non amplius sunt Ministri Christi; Paulus Magistratum quamvis impium agnoscit pro Magistratu; Impium vero pontificem non agnoscit pro pontifice.* He will also finde more writing upon that place speaking to the same purpose: as also upon the 2. *Cor.* 10. 8. and 13. 8. and 10. It is not

now my purpose to fall upon the consideration of the extent of the meaning of those Divines in these places, it is enough that I give him their testimonies speaking as much clearly as the Writer said they did. 4. I doubt if for anything that is said by the Author, this exception will be found so dangerous and irrationall: First, He thinks that it is to open a wide gap to confusion, inferring that absurd consequence that that Assembly is not compleatly constituted in the being of an Assembly, till all the Acts of it be concluded and ended; and that till it be concluded, no man can acknowledge nor submit to it, but with a reserve. The reason of this consequence must be, because haply in the close they may make an Act wrong upon the matter, which one Act nullifies the Assembly, though they had done all other things well, but so said not the Writer, neither can any such thing rationally be gathered from his words; the most that he insinuates is, that an Assembly proceeding wholly wrong upon the matter, or in the most substantiall and materiall things, or in the rules of its constitutions of greatest concernment, or as that so far as an Assembly proceeds wrong upon the matter, it is so far without authority, as appears from his own words in the inference which he makes from the power which the Commissioners have committed unto them by their Presbyteries, and from the Conclusion that he makes in order to the Assembly now in question; to wit, That they having in most of all, and the most materiall of their proceeding proceeded contrary to the trust committed unto them by Presbyteries; It furniseth another considerable reason for declining of them. Secondly, He thinks that it will also infer the nullity of Presbyteries, and make Ministers no Ministers, if they shall proceed wrong upon the matter, which no man will not see to be contrary to the practice of Christ and his Apostles, in relation to the Priests and Church-Judicatories among the Jewes whilst they were a Church. But to say nothing of the difference between Ministers, Parliaments, and Assemblies, the one being ordinary and fixed; the other not so, the most that it would infer would be this, That in so far as they proceed wrong, or that if in the most substantiall and materiall parts of their duty, they proceed wrong upon the matter, their authority is not to be acknowledged, and this seems not a very dangerous consequence. Thirdly, He thinks this contrary to the judgment of the Assembly of *Glasgow*, concerning which he thinks it remarkable, that in declaring the

the nullity of some preceding Assemblies, they do never take an Argument from the matter to prove the nullity of them; whilst yet (saith he) there was very fair occasion to have done it, if that the Assembly had been in the Writers mind. The Writer hath not yet positively declared his mind in this matter: But the Author upon second thoughts will find his remark concerning the Assembly of *Glasgow* not well grounded, because that Assembly in proving the nullity of some preceding Assemblies, do reason not only from the form, but also from the matter or grounds of their proceeding in their Acts, as appears in the last reason brought for nullifying the Assembly at *Pearth*, which is this, That the ground of their proceeding was not the Word of God, the Confession of Faith, and Acts of former Generall Assemblies, but the Kings Commandment onely. For the question was thus stated, whether the Five Articles in respect of his Majesties Commandment should pass in Act or not, as the Records of that pretended Assembly bear, where it is declared; *That for the reverence and respect which they bear to his Majesties Royal Command, they do agree to the foresaid Articles.* And that the Church of *Scotland* had respect to the matter as well as to the form, in annulling these Assemblies, is manifest from that notable Act at *Edinburgh*, in the year 1639. concerning the causes and remedies of the bygone evils of this Kirk, in which the fifth Cause is declared to be the keeping and authorizing corrupt Assemblies at *Lisbego* 1606 and 1608; at *Glasgow* 1610; at *Aberdeen* 1616; at *St. Andrews* 1617; at *Pearth* 1618; which Assemblies are declared to be null and unlawfull, as being called and constituted quite contrary to the Order and constitutions of this Kirk, received and practised ever since the Reformation of Religion, and withall labouring to induce Novations in this Church, against the order and Religion established. Whence it appears, that either the Author hath not known; or else hath not considered, that this Kirk hath laid weight upon the matter for nullifying of these Assemblies, as well as upon the form; and (I believe) Orthodox Divines arguing against corrupt counsels, do the same; any who doubt it, may be pleased to read that learned Review of the Council of *Trent*, and that Book of the *Gravamina* against the Council of *Trent*, in the last of which it is first proven by many instances that many Councils both of old and late have erred, and from thence that conclusion is inferred; *Ergo necessario ex hoc consequitur*

quiritur illud Concilium tantum recte dici & esse Christianum, in quo ex verbo Dei & non ex hominum traditionibus, constitutionibus, decretis, somniis, aut ulla denique quantumvis inveterata consuetudine, res religionis judicetur atque determinetur, quamvis magni in eo intersint viri. Etenim externam illam speciem auctoritatis sapientia humane excellentia & sanctimonia detestatur & rejicit Propheta inquit, Quomodo dicitis, sapientes sumus, & lex Domini apud nos est, attamen ecce mendacium operatus est stylus, falso & frustra scripserunt Scribae, pudefacti sunt sapientes perterriti & capti sunt, ecce verbum Domini reproba-verunt, quia ergo illis sapientia reliqua esse poterit, Jer. 8. Which words are applyed at length to the Council of Trent, & the whole purpose closed thus; atq; ex his quae de Christianorum Conciliorum proprietatibus breviter diximus hactenus planum fit & irrefragabiliter efficitur Pontificiam Synodum quae Tridenti habetur, & nunc prope finita existimatur, neq; generalis vel universalis, neq; liberi nec etiam Christiani concilii nomine dignam esse, a: q; adeo Concilii nomine prorsus indignam, juxta regulam communem & vulgo tritissimam, Si repriveris nec nomen habere mereris, & quid opus est multis conjecturis in re plena & aperta cum ipsa forma procedendi quae utuntur & Sessiones quas vocant, & quae ex his consequuta sunt determinationes Canones & decreta manifestissime doceant quam dissimilis sit Tridentina illa congregatio, pio libero & Christiano Concilio, opus ipsum, artificem quod dicitur arguit, exius etiam acta probabis. These passages and many such which may be cited from the Writings of Orthodox Divines make it appear, that they lay weight upon the matter as to the nullifying of Councils. To that part of the Authors Reply which concerns the reasons brought by the Writer, to wit, that Kirk-Judicatories have no power for destruction, but that all their power is for edification, and that whatsoever power the Commissioners of a Generall Assemblie have, it is by Commission from their Presbyteries; which Commission limits them to the Word of God, and to the Covenant; and to Acts of former Generall Assemblies. I answer these few things: First, That he layes more upon the Writer, than the Writer doth assert or insinuate either as his own judgment, or the judgment of others, he hath neither said nor insinuate, that the making of some wrong Acts, doth make an Assembly null; Neither do I think that he would say or insinuate any thing of this kind;

kind; he did as little deny the authority of the Parliament 48, as any other. But if there be no difference between the Assembly and the Parliament in these cases, and that no reason can be given why it should not have place in relation to the one as well as to the other, I shall desire him to reconcile his judgment with *Calvin* his *Aliquid Discriminis*, and with *Pareus* his *Magna Dissimilitudo*. The Author knowes that the Civil Power is Architectonick and Despotick; the Ecclesiastick but Hyperetick or Diaconick; the one Lordly, the other but stewardly and meerly Ministeriall. The other reason (if we may believe the Author) is never a whit nearer to the purpose then the former; for (saith he) to let pass what he saith in the antecedent. That what ever power Commissioners of a Gen. Assembly have, it is by Commission, &c. which deserves examination, and if he mean that Commissioners sitting together, and voting in a Generall Assembly, have only a delegated and deputed power subordinate to Presbyteries, can hardly be reconciled with sound doctrine concerning Church-Government, yet supposing it to be so, no more followes, but that in such Acts as the Assembly makes contrary to the limitations and rules contained therein, they may get no obedience, and that such Acts may be declined and protested against, &c. The Author doth here grant, that the Writer infers no more but this much, forgetting (as he saith) in so short bounds what he intended to prove. It will be hard to make it appear that the Writer did intend to prove any more: The Author may strain that indefinite expression of his, an Assembly proceeding wrong upon the matter, as though he had meant, that the least wrong Act in the least thing, did make an Assembly null, though to the constitution and Acts of it in all things else it were never so right: But so absurd an assertion can hardly be supposed to have entered in the thoughts of any rationall man; and I think it is clear from the reason, that he brings, that this is not his meaning, because he says that Church-Judicatories have no power to destruction, but all their power is to edification; in these things then in which they imploy their power to edification, and make right Acts (having other necessary requisites of lawfull constitution) they are not null, nor to be declined. The Author in repeating that reason tells us, that that which is said by the Writer, to wit, *What ever power Commissioners of a Generall Assembly have, it is by Commission from the Presby-*

Presbyteries, doth deserve examination: I wish he had also told us what stumbles him in this; as for that which he suspects to be the Writers meaning, that Commissioners sitting together, and voting in a General Assembly, have onely a delegated and deputed power subordinate to Presbyteries, there is no cause to suspect him of such a meaning, as that there being nothing in his words that look that way. Also with, that the Author in repeating of the Writers Argument had made mention not onely of limitations and rules in generall contained in the Commission of the Presbyteries, but of the particular limitations and rules specified by the Writer, that is; the Word of God, the Covenant, and Acts of former Generall Assemblies, because it is not upon the breach of limitations and rules simply, but upon the breach of these limitations and rules set down in their Commission that the Writer layes weight. The Authors similitude of the Parl. and Afs. is answered already, and shewn what maybe conceived by some, why the paralel holds not, though as to this point, the difference betwixt him and the Writer, seems not to be so wide as he would give out. His conclusion is, That he hopes that by what hath been said, that it is sufficiently evidenced, that the Writer hath brought no considerable reason for the nullity of the late Assembly, even supposing sundry of the Acts and Constitutions thereof were wrong upon the matter, he should have said, supposing the most of all its Acts, and the most materiall of them to be wrong upon the matter, for so it was supposed and affirmed by the Writer, and upon the supposall the Author should have told his judgment upon the point: The reason may be considerable enough, and such as brings no disadvantage either to the Writer or to the Protestation, for any thing that is yet said by him for infringing thereof; yea, I will assure him that it is most considerable & weighy in the hearts of most part of the godly in the Land, who do not stand so much to dispute and debate Legal forms, as they do look to Acts of the Assembly, and to what good or what ill is done by them for promoting or hindering the Kingdom of Jesus Christ, and the good of souls, where they see not godlinesse advanced, and the hands of the godly strengthened, and their hearts made glad; but a wound given to Piety, and the hands of the wicked strengthened, and their hearts made glad; it is not *externus species auctoritatis*, to use the words cited before, nor any thing that is in that, or can be said for it that will conciliate respect and

and authority to Assemblies in mens consciences; and if there were no more in the late Assembly at *St. Andrews* and *Dundee*, but the loosing of authority in the consciences of the godly in the Land by th^{ir} wrong Acts, it is that which concerns the Author and others who had hand in these Acts, exceedingly to think upon.

VINDICATION.

THe other passage we would speak a word to, is his Answer to the last Objection: He saith, To make an Act appointing such as decline a Generall Assembly; to be summarily excommunicate, were either to suppose that a Generall Assembly could not be wrong constituted, or could not erre in their proceedings, or else suppose they should be wrong constituted, and erre, yet they ought not to be declined and protested against: both of which are equally absurd. There he saith, That the Act of the Assembly 1582, alleadged for that purpose, is grossly mistaken, it being nothing against declining unlawful Assemblies (he is as grossly mistaken, while he insinuates, that such as speak for the late Assembly, do mean that such an Act should be against declining any Assembly lawfull or unlawfull) but against appealing from a lawfull Assembly to the Civill Magistrate, and then closes, that from these things it may appear how unwarrantable the Meeting at *Dundee* (it must be still for ought he hath alleadged, the General Assembly at *Dundee* did upon alleadgence of this Act, fall in debate of the summary excommunication of these who had protested. Any debate that was in the Assembly, was no great or long debate upon that matter, and it was not so much one of any purpose or desire to do it, as to finde out what they might have done by the Constitutions of this Kirk, if they would have minded severity of censure; neither was it that Act of Assembly 1582, so much that they looked to, as the authority of the solemn Assembly of *Glasgow* 1638. which in the sentence of Excommunication against the pretended Bishops, and making there protesting and declining of that Assembly, one of the causes of their excommunication, which by the acts of Assembly is censurable with summary excommunication (whether it doth mean that Act 1582, or some others, could not be gotten tried at *Dundee* for want of the Registers then in the Baile; but such respect was had to the authority of that grave Assembly, that

the truth of the relation made by it was not questioned) so that all the absurdities alledged here by the Writer, strikes as well against that Assembly, as against any man that alledgeth such an act; and the Assembly as Dundee supposing themselves to be a free lawfull Generall Assembly, alledged no other ground in falling upon debate of that matter then which the Assembly of Glasgow alledged (and the Assembly of Glasgow saith, there hath been such an act made) by a Dilemma, he is in a great mistake himself, for considering that the act appointing such to be summarily excommunicate, who &c. is intended onely against protesting against, and declining of a General Assembly, not in any particular act or acts thereof (which we confesse may be protested against) but against the very being of it as null in it self, and having no authority, there is no necessity either of the one supposition, or of the other following upon it, not of the later; for the act we speak of saith, that decliners of a Generall Assembly should be excommunicate, but an Assembly wrong constitute and erring both, or only wrong constitute, is no other wise an Assembly, then a painted man is a man: nor yet the former, for I shal give you a third, it supposeth a Generall Assembly rightly constitute and not erring defective, though not altogether infallible in it self, or rightly constitute in all things belonging to the being of a free and lawfull Assembly, though it may be erring in some particular Acts, and ordains excommunication to be the censure of these that declineth and protesteth against such an Assembly, I mean as to the very being of it. Truly this dilemmatick arguments of the Writers have been made as well against that Act made by Jesus Christ, Math. 18. 17. He that neglecteth to hear the Church, let him be as an heathen or publican, id est, Excommunicate: For, I suppose this canon, comprehends not onely such persons as having offended against particular Brethren comes by degrees of proceffe before the Church, but also such as should offend onely immediately against that Church it self. 2. It is propounded in generall termes without any expresse distinction or limitation, he that neglects to hear the Church let him be excommunicate: Just as this, he that declines a Gen. Assembly, let him be excommunicate: Might not then those that heard that canon first propounded, reason it just as the Writer doth here (if his argument were good) to make such an one as that is unreasonable; For it were to suppose either that a Church cannot be corruptly constitute, and did erre, yet that it ought not to be disobeyed or declined, but the argument

arguments had been a Cavillation; for neither did follow necessarily to be supposed, there was a third, a Church univocally so called, id est, a Church right constitute, and doing dutie though not unerrable in its self.

R E V I E W.

THe first thing the Author takes notice of in his Answer to this Objection, is that which is said by the Writer, that the Act of the Assembly 1582. alleadged for the summary excommunication of these who decline the Gen. Assembly is grossly mistaken, it being nothing against declining lawful or unlawful Assemblies, to which he retorts that the Writer is as grossly mistaken, whilst he insinuates that such as speak for the late Assembly do mean that such an Act should be against declining any Assembly or unlawfull. Wel then, supposing the Writer to have been grossly mistaken in the writing of such a thing, and that a wrong constitute and erring Assembly, or one wrong constituted, is no other ways an Assembly. then as a painted man is a man (as the Author speaks) afterwards, and that the Assembly at St. Andrews & Dundee is but an unlawful Assembly, wrong in the Constitution (as is proven) and erring in its Acts, then might it warrantably have been declined and protested against, notwithstanding of that Act 1582. or that Act 1638. or any other act of any of the Assemblies of this Kirk, as the six corrupt Assemblies upon the same reasons, upon which they were afterward repealed, might in the time when they were sitting have been warrantably protested against, as some other Assemblies which are instanced by the Writer, and past by the Author in silence were protested against; and so all the debate that was in the Meeting at Dundee for making use of these Acts against the Protesters, was groundlesse and without warrant: But the Writer is not so grossly mistaken as the Author gives out, because it hath past current, and doth still stick with not a few, that the Acts of a Generall Assembly could not be protested against, much less the Constitution thereof, though culpable and wrong, and the Author himself seems to come near the borders of it: That an Assembly cannot be well protested against in regard of its con-

stitution though wrong, when in the same Vindication where he comes to weigh the reasons whereupon the Protestation is built, he saith, That where a Generall Assembly it self is protested against as unlawfull, and having no authority, who sees not how sad the consequences most readily be in that Kirk, hardly can it by any outward meanes but turn to a fixed schisme, which thing godly orthodox Christians in all ages of the Kirk have detested and abhorred, choosing rather ever to tolerate great offences which they did see, but could not amend; then to divide the Church of Christ: I know that he may say that he means not here of an Assembly wrong in its constitution; but if so, what commodious sense in reference to that which he is speaking of, to wit, protesting against a Gen. Assembly will he put upon the rest of his words, concerning godly mens tolerating great offences, rather then to divide the Church, an Assembly right in its constitution is no offence, much lesse a great offence. He doth not deny that there was a debate at the Assembly at *Dundee*, concerning the summary excommunication of these who had protested, but tells us that it was not great nor long (If some who were present may be believed) it was prosecuted by sundry with a great deal of earnestnesse and forwardnesse, and though the Author (if I mistake him not) was none of the prosecutors of it; yet it seems by his Vindication that his judgement is, That they might not onely have debated it, but also have done it by the constitutions of this Kirk, if they would have minded severity of censure, but it would have contributed somewhat for clearing of the Assembly in that debate, and for satisfying of others anent his judgement upon the point, if he had brought any act or constitution of this Kirk, that would have borne the weight of summary excommunication against the Protesters, for the Writer hath made it clearly to appear that neither the act 1582. nor the act 1638. doth at all meet with the Protesters case, and the Author hath replied nothing to the differences of the cases, and therefore they may be still taken as granted, what act the meeting at Dundee did in their debate look unto, whether that of 82 or that of 38. themselves best know, but if it was the Act of the Assembly at *Glasgow* (as the Author saith) upon which they had their eye, the Writer hath shewed how that could not with any shadow of reason be applied to this case. The declinatory

declinator of the Bishops 38. striking at the essential constitution of the Government, and against the rule it self; and that of the Protesters acknowledging the government and the rule, and protesting onely against the constitution, because not agreeable to the rule. It seems that all that they had their eyes upon was, that they found in the act of *Glasgow*, that protesting against, and declining of the Assembly was by the acts of this Kirk censurable with summary excommunication, but should they not have found what the acts were, and whether they were applicable to the present case: The Author grants that it could not be gotten tryed whether it doth mean 1582. or some others for want of the Registers, which were then in the Bals; I shall not say that this is some evidence that the members of that meeting were not very well acquainted with the acts of the Assemblies of this Church, and that it had not been much amiss for them to have read and perused these acts of Assemblies which were offered unto them a little after their down sitting under their Clerks hand, concerning the Publick Resolutions: If my information fail me not, a good part of the Registers, particularly the great Book of the old acts of the Assemblies, in which that act of the Assembly 1582. is insert, was then in *Dundee*, in the hand of their then Clerk, who took some pains to find out that act, but could not fall upon it: It may haply seem strange to some, that because they found these words which (to wit, declining and Protesting against the Assembly) *by the Acts of the Assembly is censurable with summary excommunication* in an act of an Assembly at *Glasgow*, that they will have such respects there to, without looking upon these acts, or considering their grounds, or extent, thence to infer that these acts were applicable to this case; this were to defer more respect to the authority of that grave Assembly then was fit, or they themselves would have taken with, if they had been sitting; for they did nothing without viewing and perusing the Registers themselves, and proving and clearing every thing thereby, that they did alleadge therefrom, which Vindicates that Assembly sufficiently from the absurdities here alleadged by the Writer against these who alleadged such an act. The Author thinks that the Writer is in a great mistake in his dilemma, but let us see what his mistake is: The writer answering a common alleadgance, that there is an act of a Gen.

Assembly appointing such as decline the Assembly to be summarily excommunicated, denies that ever the Church in any of her Assemblies made any such act in so generall and unlimited termes; and he gives this for a reason of his denyall, that from hence it will follow, either that they thought that an Assembly could not be wrong in its constitutions, and could not erre, or else that though wrong in constitution, or erring, that they could not be protested against; both which he saith is absurd: To this the Author answers, that considering that the act appointing such to be summarily excommunicated, is intended only against protesting against, and declining of a Generall Assembly, not in any particular acts or act thereof which he confesses may be Protested against, but against the very being of it, as null in it self, and having no authority; there is no necessity either of the one supposition or of the other following upon it; not of the latter &c. But first to passe by that he seemeth in all this debate to suppose that there is such an act in so generall and unlimited termes which I believe shall not be found, nor doth the words of the act of the Assembly 38. say or suppose any such thing. It deserves consideration, which he saith, that that act concerning the excommunicating such as protest against, or decline an Assembly, is intended onely against those who protest against the being of an Assembly, and not in any particular act or acts thereof, because as the Writer told him, the act 1582. which is the onely act relating to that business (so far as I know, or can be informed by those who take most pains in the Records of the Assemblies) is not anent declining Assemblies, in their being and constitution, but against appealing from lawfull acts of lawfull Assemblies to the Civill Magistrate in Ecclesiastick causes, for stopping of Ecclesiastick Discipline. Secondly, though an Assembly wrong constitute and erring both, or onely wrong constitute be no otherwayes an Assembly then a painted man is a man, that it is not really or truly, but seemingly only, yet it being seemingly an Assembly, it gets ordinariy and in common exprellion, that denomination; and as a painted man drawn by the hand of a cunning Painter may deceive those who have not discerning eyes, and be taken for a true man, so an Assembly wrong in the constitution and acts, or in the constitution onely, may by the vermilion of fair pretext put upon it passe with many for a true Assembly; yes, in ordinary

inary way of expression, an Assembly which hath any thing of the colour or shadow of the being of a lawfull and right proceeding Assembly is called an Assembly, though wrong in its constitution, or also erring in its acts, and therefore to have said simply in an act, that decliners of a Generall Assembly without any qualification, lawfull, or unlawfull, erring or unerring, or any thing in the act insinuating or expressing the same should be excommunicated, it would follow, that though an Assembly should be wrong contrite and erre in its Proceedings, yet it could not be declined. As to the third, to passe by that the Generall Assembly at *St. Andrews* and *Dundee* is none of these Assemblies, but an Assembly wrong both in its constitutions, and in its acts, The Act if it were so generall as that cited and answered by the VVriter, it would suppose more than any of these, to wit, a Generall Assembly which is onely such, *nomine tenus* and *secundum apparentiam* in regard of its constitution, and a Generall Assembly right upon the constitution, and erring wholly even in the thing of greatest consequence upon the matter; as to this simile of his brought from the words of Christ, *Matth. 18*. It doth not hold, because Christ never maintained it to be unlawfull to decline any Church, true or false, as these whom the VVriter speaks of in his objection. The truth is, that the VVriter meant of propounding and answering that objection, to remove a gross mistake that hath been ordinary in the mouths of many; that a Generall Assembly could not be declined nor protested against, because of an act of an Assembly appointing such to be summarily excommunicate which in the common construction that putt upon it was so expounded, that whosoever upon whatsoever ground did protest against a Generall Assembly of this Church, or any of the acts thereof right or wrong, whereby the acts of the Assembly summarily to be excommunicated, which mistake the VVriter studieth to take off, by holding forth the absurd consequences, that would have followed upon such an act, as that thereby to make it appear that there is no such act in so absolute and illimited termes as will reach these who protest against Assemblies wrong in their constitution, or also erring in their acts, and this being gained, he hath all that he did intend to prove and hold forth in this particular.

Conclusion

Conclusion of the

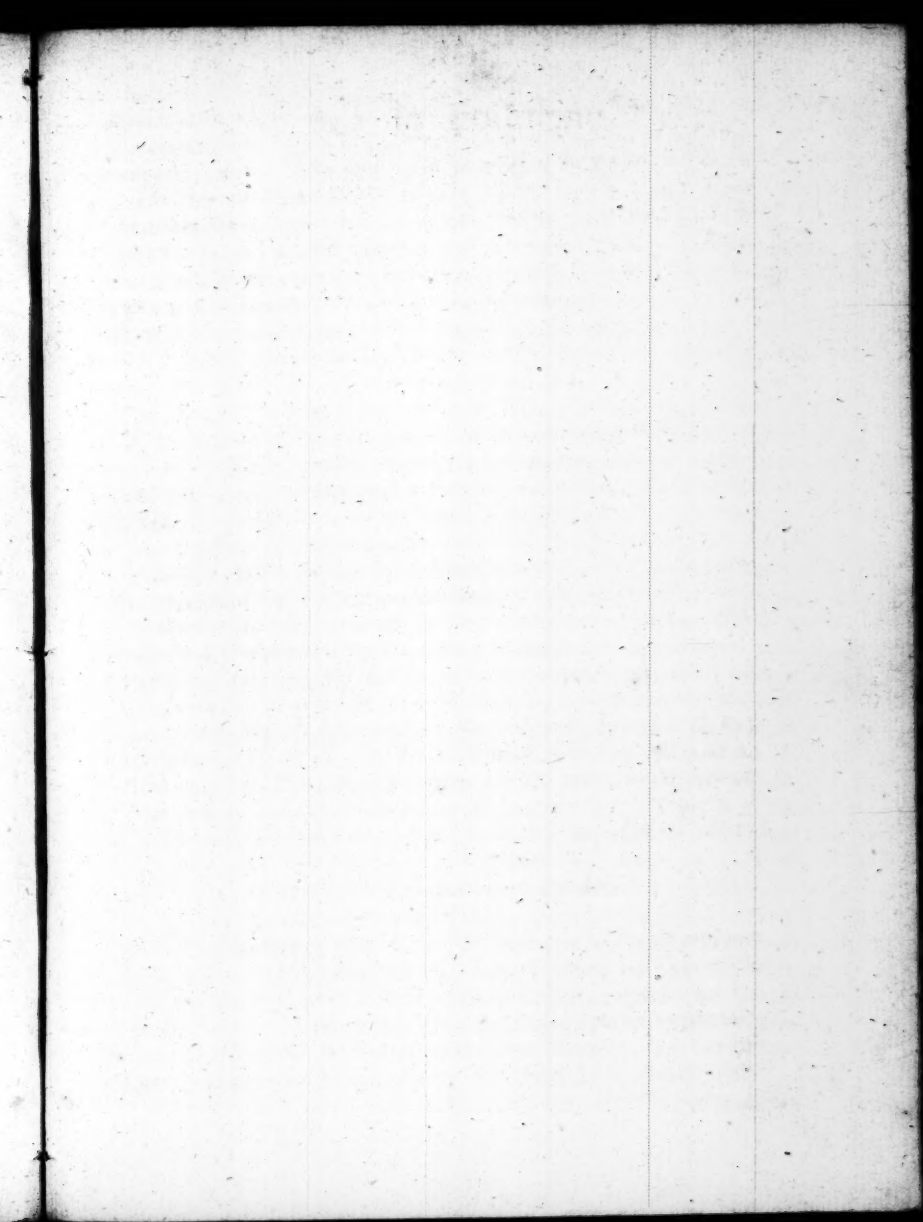
VINDICATION.

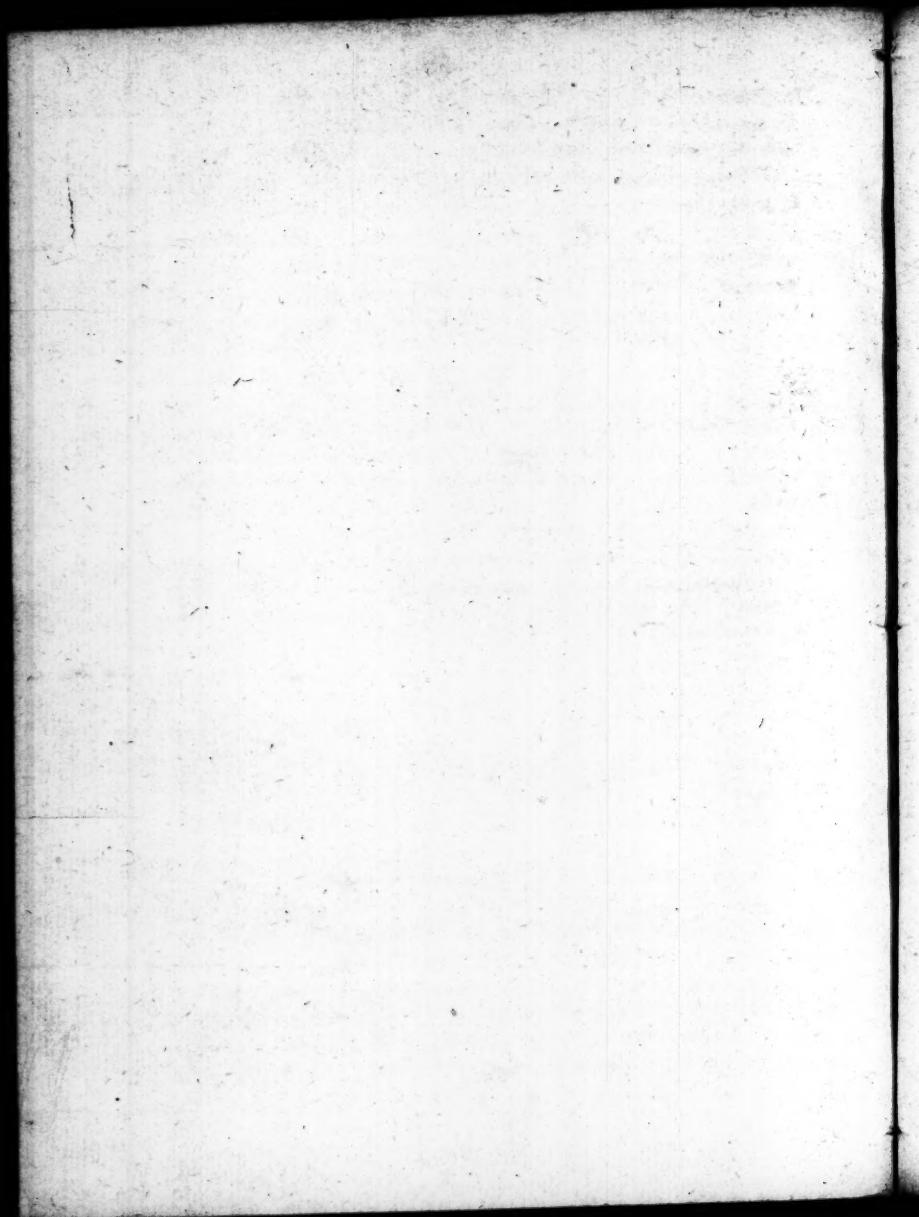
Here I leave the Writer with these additionall reasons, and leaves all that hath been said hithertill to be impartially pondered by the Christian Reader, and accordingly judged of. The Father of Lights give unto thee, and all his servants and people in the Land, Wisdom, even that which is from above, pure and peaceable.

R E V I E W.

THe Author hath been pleased to leave the VWriter here with his additionall reasons, and other things contained in his answers to Objections; but if some of good judgment be not mistaken, he hath done it to the disadvantage of his cause, because he hath left him with many things that were brought by him in that Paper of additionall reasons unanswered, I shall not say what some have said, that if the things in that Paper which the Author hath not answered hold relevant and true, they would go far to justify the Protestation, and annul the Assembly, albeit all his answers to the things which he hath taken notice of had not been satisfyingly taken off; but I confess that I do somewhat wonder that the Author having taken so much pains to contend with no small earnestness and at length about many things that are in the by, and things that are of no such consequence in the cause, should yet passe in silence, not a few things of importance contained in that Paper, which did more concern him to have answered; I shal say no more, but wishes the Lord graciously to appear in the convincing and comfortable determination of this question to all his servants and people in this poor desolate and distracted Church, that our bruise which is sore, and our wound which is incurable may be bound up and healed by his hand who hath smitten us in his wrath; because of the multitude of our iniquities; To the praise and glory of his free Grace in all the Churches. A M E N.

F I N I S.





INSTANCES of the Influence that the Letter and Act of the Commission of the Gen. Assembly 1650. had upon several Presbyteries and Synods, and upon several persons therein, in the Election of Commissioners to the Assembly 1651. and in the Citing of these of their Number who were dissatisfied with the Publick Resolutions as they are attested out of the Registers, or by Members of these Presbyteries and Synods, who were Witnesses to their Proceedings in these things.

1. Instance in the Presbytery of Jedburgh.



He Letter and Act of the Commission of the Gen. Assembly 1650. concerning the Citing of such of their Number as were Opposite to the Publick Resolutions, came to the Presbytery of Jedburgh, before the chusing of their Commissioners to the Assembly: At the time of the Election, the Presbytery after the reading thereof, did in obedience thereto, make enquiry, who of their Number were not satisfied with the publick Resolutions; and finding that Mr. John Livingston, Mr. Ja. Ker, and Mr. Jo. Scot, were dissatisfied with these Resolutions, they did appoint Conference with these Brethren in order to their satisfaction, by reading of some publick Papers, refusing any other way of Conference unto them; after which, they went on to the Election of their Commissioners, passing by these dissatisfied Brethren, and Citing them by vertue of the Act of the Commission, to Compear before the General Assembly to be holden at St. Andrews the day of July, 1651.

2. Instance in the Presbyterie of Dunkel.

THE Presbyterie of Dunkel having chosen such of their number to be Commissioners to the General Assembly 1651. as were in their judgments opposite to the publick Resolutions; some of the Presbytery dissented from the Election of these persons upon the ground of their being incapable to be Commissioners, because of an Act of the Commission for citing of such to the Assembly, and urged

urged, That the Dissent, and ground thereof, might be marked in the Presbytery-Book, to be judged by the Synod.

3. Instance in the Synod of Perth.

THE Synod of *Perth*, which met in June 1651. having received and read the Letter, and Act of the Commission, concerning the citing these who were opposite to the publick Resolutions, did find it incumbent unto them for satisfying the said Letter and Act, to appoint the several Presbyteries within their Bounds, and where the plurality of the Presbytery was dissatisfied with the publick Resolutions, some nominated by themselves to Confer with dissatisfied Brethren; and in case of their not receiving satisfaction by Conference, to cite them to the Gen. Assembly at *St. Andrews*, from which Act of the Synod, such dissatisfied Brethren as were present, who were about eight or nine, did Dissent, and were therefore cited *apud alia* by the Synod, to Compare before the Assembly, because of their opposition to the publick Resolutions: and concerning the rest who were absent, it was ordered by the Synod, That personal Summons should be sent unto some of them, and that others of them, in case of their not being satisfied by Conference, should be cited by their respective Presbyteries, and such as were appointed to Confer with them: At the same time, the Synod taking in consideration the Dissent of some of the Members of the Presbytery of *Dunkel*, and the grounds thereof, from the Election of their Commissioners did sustain the same, and appoint the Presbytry to make a new Election.

4. Instance in the Presbytery of Kirkaldie.

THE Presbyterie of *Kirkaldie*, having received and read the Letter and Act of the Commission, did thereafter and in order thereto, refuse to subscribe the Commission of *Magnus Aytoun*, then chosen Commissioner to the General Assembly by the Town of *Bruntland*, because when his Commission was presented to the Presbytry, he was not present to declare his judgment concerning the publick Resolutions. The same Presbytry did by vertue of the same Letter and Act find themselves obliged to Refer or Summon two of their Number, to wit, *Mr. Alex. Munro*, and *Mr. George*.

George Nairne to the General Assembly, because of their being dissatisfied with the publick Resolutions, but remembering that these two had a little before that time Dissented from an Act of the Synod of *Fife*, appointing such Ministers in the Bounds of that Synod as were dissatisfied with the publick Resolutions, to be referred to the General Assembly, did find that they were obliged to compare before the Assembly, to give in the Reasons of their Dissent from that Act; and therefore the Presbytery did draw up a Paper mentioning their regard to the Act and Letter of the Commission, and also bearing the Dissent of these two Brethren, and that they judged it not necessary to summon them, who were already by their Dissent obliged to compare; and this Paper they did deliver to their Commissioners, appointing them to present it to the Assembly.

5. *Instance in the Presbytery of Glasgow.*

THE Presbytery of *Glasgow* did choose Commissioners to the General Assembly 1651. before the Letter and Act of the Commission came to their hands, from which Election some of their Number did Dissent upon this ground amongst others, because the persons chosen were of a contrary judgment to the publick Resolutions, and that they knew that the Commission of the General Assembly was to send some publick Directions to the Presbiterianent that matter, and the dissenting part of the Presbiterian, though the smaller number by many, did thereafter make a new Election of their own, and did cite some of these of the Presbiterian who were opposite to the publick Resolutions, to compare before the Assembly upon the ground contained in the Letter and Act of the Commission; and some of the same Dissenting part of the Presbiterian, who were frequently with the Commission, in promoting these Affairs, did send the Letter and Act of the Commission inclosed in a Letter of their own to two of the Brethren of the Presbiterian of *Lanrick*, advising them, That before the Election of Commissioners in their Presbiterian, they should cause read the Letter and Act of the Commission, and endeavor to carry on the Election accordingly; and that if they could not attain this, that then these of their Number who did approve of the publick Resolutions, should make a New Election amongst themselves, and leave

it to the Assembly to judge which of the two Elections was valid; signifying withal unto them, that they had done so in the Presbytery of *Glasgow*.

6. *Instance in the Presbytery of Biggar.*

THe Letter and Act of the Commission 1650. concerning such as did Differ from the publick Resolutions, came to the Presbytery of *Biggar*, and was publickly read therein before the chusing of their Commissioners to the General Assembly; and thereupon Interrogators were made to the Brethren, for trying of their judgment anent the publick Resolutions, that these who profest themselves dis-satisfied therewith, might be rendered incapable to be chosen Commissioners to the General Assembly.

7. *Instance in the Presbytery of the Merus.*

THe Presbytery of the *Merus*, having chosen the Lord *Arbuthnot* in his absence from the Presbytery, to be Commissioner as Ruling Elder to the General Assembly 1651. did send two of their Number unto him to take his Oath to be faithful in that employment; and withal, to take tryal whether he were satisfied with the publick Resolutions; and to signifie to him, That if he were not satisfied with these Resolutions, the Presbytery could not be answerable to give him a Commission for sitting in the Assembly, but behoved to chuse another.

These Instances may suffice for verifying of what is alleadged in the former Debates concerning the influence that the Letter and Act of the Commission of the General Assembly had upon several Presbyteries and Synods and Persons therein, in the Election of Commissioners to the Assembly 1651. and in Citing of these who were Dis-satisfied with the publick Resolutions, and therefore it shall not be needful to trouble our selves or the Reader with the bringing and setting down of more of this kind.

PAPERS betwixt the ASSEMBLY and COMMITTEE.

Offers and Desires from the Committee of Estates, Presented by the Earle of Glencarn, the Thesaurer, Depute, & Archibald Sydslerk, to the Gen. Assembly.

AS we cannot but with sad hearts regrave that notwithstanding of the many endeavors of, and great pains taken by the Parliament and Committee of Estates, for removing of Differences, and offering all just satisfaction to the Desires of the Commissioners of the General Assembly concerning the necessity and lawfulness of this present Engagement; yet they have all hitherto proven ineffectual, and Divisions betwixt us are rather increased, then lessened; so we cannot but here promise to our selves better Success from the wisdom of this grave and venerable Assembly, especially whilst our consciences bears us witness, that in all our undertakings we have nothing before our eyes but the glory of God in the first place; and in the second, the good and preservation of Religion; and next therunto, the safety of his Majesties Person now in danger, and the pursuance of the same ends of our Covenant which hath been sealed with the blood of so many of our friends and country-men: And that our sincerity and reality in all these may be manifested to all the world, we are content now again at this time, not only to renew all these offers which were formerly made by the Parliament to the Commissioners of the Gen. Assembly, for the security of Religion; but hereby we offer to grant what further security the General Assembly shall be pleased to demand in reason of us for Religion: And although we cannot lay negatives and restrictions on the King, but must as obliged in conscience and duty, endeavor his Rescue, that he may come with honor, freedom, and safety to some of his Houses, in, or about *London*; yet we are most willing to give what Assurance can be demanded for our selves and our Army, even by an solemn Oath, if so it shall be thought fit by the General Assembly, that we shall not be satiated and lay down Arms, until Religion be secured in all his Majesties Dominions, according to the Covenant: Therefore out of the deep sense we have of the great danger that the further growth of these Divisions may bring to Religion, the Kings Majesty, and to these who doth sincerely wish the settling of Presbyterian Government in all his Majesties Dominions, We cannot but desire you seriously to weigh the sad Consequences may ensue, if at this time there be not found

found amongst you, some who will endeavor to heal, and not to make wider the Breaches betwixt Church and State, to remember that no such effectual help can be yeilded at this time to that

as to have the hearts and consciences of the people preposessed with prejudices against the Resolutions of the Estates and their so pious and necessary Engagment. And for this cause, to the end these unhappy Differences may spread no further, we do intreat you would be pleased to appoint some of your Number, to meet with such as shall be appointed by us, for Composing these mis-understandings betwixt Church and State: And likewise for so cleering the Marches betwixt the Civil and Ecclesiastick Power in these Questions hath been Debated betwixt the Parliament and the Commissioners of the Gen. Assembly; as the Kirk may be freed of all scandals in meddling with Civil Business, and the Estates from the scandals of Erastianism: And seeing our desires herein are only to remove all jealousies betwixt the Church and State, and to witness to the world our unfained intentions to do all that is in our powers for the most satisfaction of the Gen. Assembly, We do desire that ye would be pleased to forbear the emitting of any Declaration either to this Kingdom, or the Kingdom of *England*, relating to our present Engagment and proceedings, considering how unreasonable it may prove whilst our Army is in the Fields against the great obstructions of any Enemies to our Reformation, to do any thing may encourage and strengthen the hands and hearts of that

who doubtless will encourage themselves in their own wayes, the more they have ours disapproved by you: And as their unhappy differences and divisions have already so wrought upon the hollow hearts of some of our Countrymen, as to move them to rise in Arms against the Parliaments Forces, and of some to run and joyn themselves with these

so much the more wil these be strengthened and encouraged against us by their hearing of our Divisions: We do likewise desire, That before the Gen. Assembly proceed to any approbation of the actions of the Commissioners of the Gen. Assembly, That in these things that may relate to the present Engagment and to these Questions hath been Debated betwixt the Parliament and them, we may be first heard. All these we desire for no other end, but that these untimely Differences and Rents now grown to so great a height as that they threaten the ruin both of Church

Church and State, may by the blessing of God in the spirit of Meekness be cured and bound up, That neither Malignants on the one hand may have occasion to laugh at our Divisions, nor ——— on the other hand encouraged and strengthened against us : But that we (as formerly) may go on in one way, being all engaged in one Cause for one and the self-same Ends ; And so may receive a blessing from the Lord of Peace and Order (which hates the instruments of Division and Confusion) upon all our endeavors, for advancing the blessed work of Reformation, and for bringing to an happy end all the Miseries and Confusions now, which these Lands hath been so long tossed and consumed with.

Before the Assembly give any Answer to the Paper produced from the Honorable Committee of Estates, The Assembly thinks fit to enquire at the honorable Persons who presented the Papers, If the Committee of Estates have any new Objections against the Proceedings of the Commission of the late Assembly, or only the same Objections made by the Parliament, or their Committees before. Sic subscrib. A. Ker.

The Committee of Estates do make this Return to the Paper of the Gen. Assembly, That they have just and material Exceptions against the proceedings of the Commissioners of the Gen. Assembly, besides any formerly made by Parliament or Committee of Estates.

The Assembly continues until the morn at ten hours that Examination of the Proceedings of the Commission of the late Assembly, and do appoint that time for Hearing any New Exceptions the Committee of Estates hath to give in against the Proceedings of the said Commission.

P A P E R sent into the A S S E M B L Y.

VV Hereas it hath been the constant Care and Endeavor of the Parliament and Committee of Estates, To use all means for removing and settling the Differences betwixt the Church and the State ; and in pursuance of that good way, The Committee did yesterday give in some new Desires and Offers to the Gen. Assembly, That some might be appointed to meet and confer with such

such as should be appointed by the Committee thereupon: But since instead of embracing and laying hold of this opportunity of composing Differences, The Gen. Assembly doth proceed toward an approbation of the proceedings of the Commissioners of the Assembly, whereby we conceive all hopes of making up the Breaches will be removed, and the prejudices will be great that will thereby ensue to this cause and Kingdom; For preventing whereof, we hold our selves obliged again, to desire you, as you tender the furtherance of the work of Reformation, the Good, Peace, & union of the Kingdoms, and the composing of all Differences and Jealousies, that you would apply your selves to these our Desires, and appoint some of your Number to confer with us thereupon for the Exceptions we have against the proceedings of the Commissioners of the Gen. Assembly: We have confidence a Conference may prevent the same, and are more willing not to give them in at all, or at least only to give them in to those you shall appoint to confer with us, that if it be possible Differences may yet be removed, Then that we be necessitate to appear in publick amongst them: And that this and our former Paper may remain as a testimony of our Desires for Unitie and Peace, we desire that they may be Recorded in the Books of the General Assembly.

The Assembly do give this humble return to the Papers sent this day from the Hon. Committee of Estates, That they are most willing to appoint a conference with any of their Lordsh. number, but that according to the Order and Acts of former Gen. Assemblies, they conceive themselves obliged, first to examine the proceedings of the Commission of the late Gen. Assembly, and thereafter shall be willing to confer, being also now ready as of before to hear Exceptions, if there be any against the proceedings of the said Commission. Subscrib. A. Ker.

The Committee of Estates understanding that the Gen. Assembly is to proceed to the examination of the proceedings of the Commissioners of the late Gen. Assembly in order to an approbation before they agree to a Conference; and the Committee being to give in their just exceptions against the proceedings of the said Commissioners, do desire the Gen. Assembly to allow some few dayes delay to the Committee to prepare their Exceptions before the Assembly proceed in the Business.

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The Assembly continues the examination of the Proceedings of the late Gen. Assembly until four afternoon, and appoints that time for Hearing any new Exceptions the Honorable Committee of Estates have to give in against the Proceedings of the said Commission. Subscrib. A. Ker.

The Committee of Estates finding it impossible in so short a time to prepare their Objections against such of the proceedings of the Commissioners of the General Assembly, as relates to their Engagement: and yet being most willing to essay all fair means for procuring an happy Understanding betwixt Kirk and State, are content to appoint some of their Number to meet with such as shall be appointed by the General Assembly for Composing of Differences betwixt the Church and State, without prejudice to them to use all their just Objections against the proceedings of the Commissioners of the late General Assembly, if the Conference shall not produce these happy Effects they earnestly wish.

The General Assembly unto the Motion sent this afternoon from the Honorable Committee of Estates, Do return humbly this Answer, That they yield to their Lordships Desires of a Conference, and for this end appoints M^{rs} David Calderwood, David Dickson, Robert Douglass, Andrew Cant, John Moncreif, John Smith, and John Mac Clelland, Ministers; and the Earl of Cassilles, the Earl of Louthian, Lord Balmerno, the Lairds of Moncreif and Freeland, with the Moderator to confer with any appointed by the Honorable Committee of Estates, at such time and place as shall be appointed by their Lordships, upon the present Dangers to Religion and the cause of God, the great prejudices done to the Liberties of the Kirk, and the best remedies thereof: And to Report the Results of their Conference from time to time: And they have also Power to receive any Offers or Papers from the Honorable Committee of Estates, and to present the same to the Assembly: Declaring that the proceedings of the Commission of the late Assembly being now exactly tried, and unanimously approved, there is no place left for any Objections against the same. Subscrib. A. Ker.

P P

Reasons

*Reasons why these who dis-approved the
Publick Resolutions and Acts at Dundee, Ratifying the
same, and ordaining censures to passe upon the opposers and
unsatisfied, cannot keep the Assembly now indicted, nor be
consenting unto the Election of Commissioners for that
effect.*

THe chief cause of many evils which have befallen this Church in time of defection under Prelacie being clearly determined by the Gen: Assembly at *Edinburgh 1639.* to have been the *keeping and authorizing* corrupt Generall Assemblies, it is of high concernment, that we take heed that we be not consenting nor concurring to the keeping and authorizing such Assemblies in this declining time amongst which the Assembly indicted by the Commissioners of the pretended Assembly at *St. Andrews and Dundee*, is to be reckoned; and consequently ought not to be kept by any who have protested against, or are in their consciences unsatisfied with the Publick resolutions and Acts of the Assembly at *Dundee*, establishing the same as involving defection and backsliding from the Cause of God and Covenant.

To speak nothing of the indiction of the ensuing Assembly, (which can neither be acknowledged by any who have protested against, or by any who doubts of the freedom, lawfulness and constitution of the Assembly at *Dundee*) but altogether of the constitution thereof, in so far as it depends upon the Acts of that Assembly. These reasons seem to warrant and require the forbearance and non-concurrence of all these (who disallow of the Acts of the pretended Assembly at *Dundee*) in the election of Commissioners unto a keeping the diet of the Assembly now indicted.

1. No man ought to be consenting unto the authorizing of Commissioners to keep an Assembly which is constituted by a corrupt rule. But in the judgment of such as approve not the Acts of the

the Assembly of *Dundee*, the ensuing Assembly is constituted by a corrupt rule: *Ergo*, The major Proposition is unquestionable, the minor is proved thus: It is to be constituted by the Acts of the pretended Assembly of *Dundee* as by a rule: *Ergo*, By a corrupt rule; the antecedent is manifest, because all the unrepealed Acts of former Assemblies that do determine the qualification of Commissioners, are especially the Acts of the Assen. immediately preceding, are the rule by which the Assen. is to be constituted, as is manifest from the Acts of the Assen. themselves, old and late; and from the constant practice of this Kirk in all her Assemblies, and that the Acts of *Dundee* include a corrupt rule as to the judgements and consciences of those who condemn these Acts as involving a course of defection, is manifest, because they appoint all those who do not acquiesce and is obedient to the Acts and Constitutions of that Assembly, to be proceeded against with the censures of the Kirk, and so to be excluded from being capable of being elected as Commissioners for sitting in the Assembly as Members rightly qualified.

2. No man ought to concur in any Election of Commissioners when the Election is not free, but ought rather to give testimony against the same: But the Election of Commissioners to the Assembly indicted by the pretended authority of the Commissioners of the Assembly at *Dundee* cannot be free in the judgement of these who do not approve of the Acts of *Dundee*; *Ergo*, Nothing here needs confirmation but the Assumption, which may be proved thus, That Election which is limited and restricted unto such only as are involved in a course of defection and back-sliding, and is exclusive of all other who have not been involved in the fore-said course, cannot be a free election, but the election of the Commissioners of the ensuing Assembly is such, in the judgement of these who do not approve the Acts of *Dundee*; *Ergo*, The reason of the assumption is, because *illud possumus quod jure possumus*. Now, no Presbyterie, Session, or person acknowledging the constitution and authority of the Assen. of *Dundee*, an yet testifying against the Acts thereof relating to the approbation of Publick resolutions, and to the censuring of the opposers, and such as do not acquiesce and give obedience thereto, can legally choose Commissioners, contrary to a standing unrepealed Act of an Assembly. Therefore the election of Commissioners to the ensuing Assembly

must be limited and unfree in the judgments of these who protest against it in their consciences, or disapprove the Acts of the Assembly of *Dundee*, as involving the approbation of the course of defection.

3. No man ought concur in the election of Commissioners to an Assembly, unto which none are to be admitted Members, but such as are involved in a course of defection and back-sliding from the Cause of God, and from the Covenant, but the ensuing Assembly is to be such in the judgements of these who disapprove the Acts of *Dundee*; *Ergo*, the Proposition is granted on all hands, even the Assembly of *Dundee*, and the asserters of the authority thereof, grant the Nullity of an Assembly, when the authors and abettors of a course of defection are admitted to be constituent members. The assumption is proved, to wit, That Assembly now indicted, is to be such an Assembly that Assembly; unto which none can be admitted Members, but such as approve the Publick Resolutions, and the Acts at *Dundee* ratifying the same, is in the judgment of these who disapprove the Acts, but not the authority of the Assembly of *Dundee*, an Assembly unto which none can be admitted Members, but such as are involved in a course of defection: But unto the ensuing Assembly none can be admitted Members, but such as approve the Acts ratifying the Publick Resolutions: None but these can be admitted, because none can be admitted contrary to a standing unrepealed Law, and yet these are involved in a defection in the judgment of them who disapprove the Acts at *Dundee*.

4. No man ought to concur in keeping an Assembly from which many faithfull and godly Ministers and Ruling Elders be excluded for no other cause but for their being faithful in witnessing against the back-sliding of the Land: But from this Assembly, many such are excluded by the Acts of *Dundee*, and that for no other cause but for testifying against the defection of the Land, according to the judgment of these who condemn these Acts, and therefore these cannot concur in keeping this ensuing Assembly.

5. No man ought to concur in keeping an Assembly wherein the constituent Members are for the most part such as are either authors or approvers of the enacting a persecution of many godly men, but the ensuing Assembly is to be such in the judgment of these who disapprove the Acts of the Assembly at *Dundee*; *Ergo* the Proposition will be granted by every man, the assumption is abundantly

abundantly proved by the clearing of these things: 1. That enacting the drawing forth of censures of the Church against godly men, (to speak nothing of that which is already executed) for that which is no fault in them, is the enacting of a persecution of godly men, cannot be denied by any. 2. That the enacting to draw forth all the censures of the Kirk against these who do not approve the Acts and Constitutions of the Assembly of *Dundee*, to the enacting of drawing forth censures against godly men, for that which is no fault in them, but duty, is unquestionable in the judgment of these who disapprove these Acts. 3. That the Assembly now indicted, is to be made up of such, is clear from what is before spoken, and shall be further cleared immediately.

Qs. How doth it appear that the Assembly now indicted, is to be constituted, as all these reasons do import, can we judge of the constitution of it before we see how it is constituted?

Ans. 1. It must be constituted according to the acts and rules constituting, which are not yet repealed, and therefore according to rules of the Assembly at *Dundee*, in the judgment of these who acknowledge the authority of that Assembly, and these acts cannot be repealed before the constitution of another Assembly. 2. That it must be so constitute, may appear from the tenaciousness of Synods and Presbyteries, to maintain the authority and acts of that pretended Assembly, who being involved in the approbation of the same, have given good evidence, that the ensuing Assembly must be so constitute, if it be urged as for instance the Letter of the instant Commissioners, which doth appoint the place of meeting of the future Assembly, do desire Presbyteries to choose Commissioners according to the known and ordinary rules of election; but these known and ordinary rules cannot be supposed to include the acts of the Assembly at *Dundee*: 1. Because these acts are not known, the same not being published, yea not extant, neither can they be called ordinary, being once onely done, and being questioned much by many, it is answered, These are poor shifts: 1. Because these acts were formally concluded and voted, and do yet stand unrepealed. 2. Because if the authority of the Commission who wrote this Letter, ought to be acknowledged and submitted unto, then ought these acts which flow from the same authority to be acknowledged and submitted unto. 3. These acts are publick, and in the hands of the Presbyteries up and down the Land,

Land, and registered in sundry of their Books, as also in the Books of some Synods, and some Presbyteries have processed some persons upon these acts, and they cannot be excluded from the ordinary rule, because but once done, because the meaning of the ordinary rule in this place must be, that these only are to be elected, when no standing act of the Kirk doth exclude, and yet it doth not make it cease to be a rule, so long as the authority of the Assembly stands, and the act it self stands unrepealed, how much soever it be questioned by some.

Ob. But we may probably suppose, that the Acts of the Assembly of Dundee, shall not be tenaciously stuck to, in the constitution of the Assembly now indicted, but that Protesters against the constitution or Acts at Dundee, shall be admitted as Members in the constitution of this Assembly.

Ans. 1. Probably that may be the judgement of some godly and moderate brethren; but how few such are to be found, and how unequall to carry it so, against many that are otherways minded. 2. If one malicious instrument that desires not the healing of these differences (whereof there is no penny, shall object the act of the Assembly of Dundee. It is impossible that any who acknowledge the authority of that Assembly, can repeal the exception as irrelevant, as long as that act stands unrepealed, which cannot be before the constitution. 3. How improbable is that considering the temper of the late Meeting at Edinburgh, the 12 of May, the instructions given by Synods to such as were sent thither under a pretence of endeavouring the Union of the Church, but really to carry on a designe to have an Assembly depending on the authority of the pretended Assm. of Dundee, and constitute as that was, and considering the articles that came from the Commission, viz. that no Union could be, except the authority, constitution, acts, censures and Commissions issued from the said Assm. be acknowledged by all, and the Declinator past from, which articles are magnified by these men, and some Synods have not been so cautious as others to keep back a Synodical instruction, to do nothing in order to an Union, without the advice aforesaid. 4. If such a concession had been intended how easie had it been to the pretended Commission that takes upon them to indict this Assembly to have given some ground in their Letters to expect it, and not to have wrapt the rule of elections in ambiguous words, to say no worse

worfe. 3. Suppose a possibility of constituting the Assembly otherwise not according to the acts at *Dundee*; yet how can any that have born testimony against the Publick Resolutions and acts ratifying the same as involving defection, sit with the authors and promoters of that course, and not propose that exception which is on all hands acknowledged to be relevant, and that such as are guilty of it, ought not to be admitted to sit in an Assembly; or if it be propounded, how shall it be satisfied since there is such difference of judgment about that matter.

Ob. 3. *But is it not better to keep that Assembly, and bear testimony against unlawfull acts, and labour to keep off ill, then to forbear and let things be carried on without opposition?*

Ans. If any can satisfy his own conscience, that he may with clearness concur, notwithstanding these and the like reasons he may do so, and we shall rejoyce to hear of his testimony and standing against a spare or back-sliding; but if he shall through casting himself in a temptation, be drawn a further length then he intended, or shall approve himself in afterward, he shall sin against a Warning.

O 4. *By this means we shall have no Assemblies.*

Ans. The reasons will indeed conclude, that we should have no corrupt Assemblies, such as are precluded in the elections, corrupted in the constitution on exclusive of many of the godly for their faithfulness, and made up for the most part, if not onely of such as are authors or approvers of the late defection, and to want such Assemblies is no wayes prejudiciall, but is a mercy to the Church in the judgment and language of the Generall Assembly, cited in the beginning of this Paper, neither is the running with the spate of defection the way to retain and preserve the priviledge of usefull Assemblies, but on the contrary the giving of testimony against a course of declining in the time thereof, hath by experience often proved a mercy and in the wise and gracious providence of God, the best ground of hope, and an open door for free Assemblies.

F I N I S.

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23. 11. 1941

Because in these (as in other Papers relating to the present publick Differences) the solemn Acknowledgement of Sins, and Engagement to Duties are frequently mentioned (And it being conceived by the fearful sighting of the same, which of late hath appeared in the Land) that they are forgotten by the most part, and cast by as out of date; Therefore it was thought fit they should be hereunto subjoynd.

A Solemn Acknowledgement of publick Sins and Breaches of the Covenant; And a solemn Engagement to all the Duties contained therein, namely those which do in a more special way relate unto the Dangers of these Times.

WE Noblemen, Barons, Gentlemen, Burgessees, Ministers of the Gospel, and Commons of all sorts within this Kingdom, by the good hand of God upon us, taking in serious consideration the many sad afflictions and deep distresses wherewith we have been exercised for a long time past, and that the Land after it hath been sore wasted with the Sword and the Pestilence, and threatened with Famine, and that shame and contempt hath been poured out from the Lord against many thousands of our Nation who did in a sinful way make War upon the Kingdom of *England*, contrary to the Testimony of his Servants and desires of his People, and that the remnants of that Army returning to this Land, have spoiled and oppressed many of our Brethren, and that the Malignant party is still numerous, and retaining their former Principles, wait for an opportunity to Raise a New and Dangerous War, not only unto the rending of the bowels of this Kingdom, but unto the dividing us from *England*, and overturning of the work of God in all the three Kingdoms: And considering also that a cloud of calamities doth still hang over our heads, and threaten us with sad things to come, We cannot but look upon these things as from the Lord, who is righteous in all his wayes, feeding us with the bread of tears, and making us to drink the waters of affliction, until we be taught to know, How evil and bitter a thing it is, to depart from him, by breaking the Oath and Covenant which we have made with him, and that we may be humbled before him by confessing our sin, and forsaking the evil of our way.

Therefore being pressed with so great necessities and straits, and warranted by the word of God, and having the example of Gods
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people of old, who in the time of their troubles, and when they were to seek delivery and a right way for themselves, that the Lord might be with them to prosper them, did humble themselves before him, and make a free and particular confession of the sins of their Princes, their Rulers, their Captains, their Priests and their People, and did engage themselves to do no more so, but to reform their wayes, and be stedfast in his Covenant; and remembring the practise of our Predecessors in the year 1596. wherein the Gen. Assembly, and all the Kirk Judicatories, with the concurrence of many of the Nobility, Gentry & Burgeses, did with many tears acknowledge before God the breach of the National Covenant, & engaged themselves to a reformation, even as our Predecessors and theirs had before done in the Gen. Assembly and convention of Estates in the year 1567. And perceiving that this Duty, when gone about out of conscience and in sincerity, hath alwaies been attended with a reviving out of troubles, and with a blessing and success from Heaven: We do humbly and sincerely as in his sight, who is the searcher of hearts, acknowledge the many sins and great transgressions of the Land: We have done wickedly, our Kings, our Princes, our Nobles, our Judges, our Officers, our Teachers, and our People: Albeit the Lord hath long and clearly spoken unto us, we have not hearkened to his voice, albeit he hath followed us with tender mercies, we have not been assured to wait upon him and walk in his way; and though he hath striken us, yet we have not grieved: nay, though he hath consumed us, we have refused to receive correction. We have not remembered to render unto the Lord according to his goodness, and according to our own vowes and promises, but have gone away backward by a continued course of back-sliding, and have broken all the Articles of that solemn League and Covenant which we swore before God, Angels and Men.

Albeit there be in the Land many of all ranks, who be for a Testimony unto the truth, & for a name of joy & praise unto the Lord, by living godly, studying to keep their garments pure, and being stedfast in the Covenant and Cause of God; yet we have reason to acknowledge that most of us have not endeavored with that reality, sincerity, and constancy, that did become us, to preserve the work of Reformation in the Kirk of *Scotland*; many have satisfied themselves with the purity of the Ordinances, neglecting the power thereof; yea, some have turned aside to crooked wayes, destructive to
both

both. The prophane, loose, and insolent carriage of many in our Armies, who went to the Assistance of our Brethren in *England*, and the tamperings and unstraight dealing of some of our Commissioners and others of our Nation in *London*, the Isle of *Wight*, and other places of that Kingdom, have proved great lets to the work of Reformation, and settling of Kirk-government there, whereby Error and Schism in that Land have been encreased, and Sectaries hardened in their way. We have been so far from endeavoring the extirpation of Prophaneſs, and what is contrary to the power of godlinesſ, that prophanity hath been much winked at, and prophane persons much countenanced, and many times employed, untill iniquity and ungodlinesſ hath gone over the face of the Land as a flood; nay, sufficient care hath not been had, to separate betwixt the precious and the vile, by debarring from the Sacrament all ignorant and scandalous persons, according to the Ordinances of this Kirk.

Neither have the Priviledges of the Parliaments and Liberties of the Subject been duly tendered, but some amongst our selves have labored to put into the hands of our King, an arbitrary and unlimited power destructive to both; and many of us have been accessory of late to those means and wayes, whereby the freedom and priviledges of Parliaments have been encroached upon, and the Subjects oppressed in their Consciences, Persons, and Estates: Neither hath it been our care to avoid these things which might harden the King in his evil way; but upon the contrary, he hath not only been permitted, but many of us have been instrumental to make him exercise his power in many things tending to the prejudice of Religion and of the Covenant, and of the Peace and safety of these Kingdoms; which is so far from the right way of preserving his Majesties Person and Authority, that it cannot but provoke the Lord against him unto the hazard of both; nay, under a pretence of relieving and doing for the King whilst he refuses to do what was necessary for the House of God, some have ranversed, and violated most of all the Articles of the Covenant.

Our own consciences within, and Gods judgments upon us without, do convince us of the manifold wilful renewed breaches of that Article which concerneth the discovery and punishment of Malignants, whose crimes have not only been connived at, but dispensed with and pardoned, and themselves received unto intimate fellowship with our selves, and entrusted with our Counsels, admitted un-

to our Parliaments, and put in places of Power and Authority for managing the publick Affairs of the Kingdom, whereby in Gods Justice they got at last into their hands the whole power and strength of the Kingdom, both in Judicatories and Armies, and did imploy the same unto the enacting and prosecuting an unlawful Engagement in War against the Kingdom of *England*, notwithstanding of the dissent of many considerable members of Parliament, who had given constant proof of their integrity in the Cause from the beginning, of many faithful testimonies and free warnings of the servants of God, of the supplications of many Synods, Presbyteries and Shyres, and of the Declarations of the Gen. Assembly and their Commissioners to the contrary: Which engagement as it hath been the cause of much sin, so also of much misery and calamity unto this Land, and holds forth to us the grievousness of our sin of complying with Malignants in the greatness of our judgment, that we may be taught never to split again upon the same Rock, upon which the Lord hath set so remarkable a Beacon. And after all that is come to pass unto us because of this our trespass, and after that grace hath been shewed unto us from the Lord our God, by breaking these mens yoke from off our necks, and putting us again into a capacity to act for the good of Religion, our own safety, and the Peace and safety of this Kingdom, should we again break his Commandment and Covenant by joynning once more with the people of these abominations, and taking into our bosome those Serpents which had formerly stung us almost unto death: This as it would argue great madness and folly upon our part, so no doubt, if it be not avoided, will provoke the Lord against us to consume us until there be no remnant nor escaping in the Land.

And albeit the Peace and Union betwixt the Kingdoms be a great blessing of God unto both, and a Bond which we are obliged to preserve unviolated, and to endeavour that justice may be done upon the opposers thereof: Yet some in this Land, who have come under the Bond of the Covenant, have made it their great study how to dissolve this Union, and few or no endeavors have been used by any of us for punishing of such.

We have suffered many of our Brethren in severall parts of the Land, to be oppressed of the common Enemy, without compassion or relief: There hath been great murmuring and repining because of expence of means and pains in doing of our duty; Many by per-
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swasion or terror, have suffered themselves to be divided and withdrawn, to make defection to the contrary part ; Many have turned off to a detestable indifferency and neutrality in this Cause, which so much concerneth the glory of G O D, and the good of these Kingdoms ; Nay, many have made it their study to walk so , as they might comply with all times . , and all the Revolutions thereof. It hath not been our care to countenance, encourage, intrust and employ such onely, as from their hearts did affect and minde Gods Work ; But the hearts of such many times have been discouraged, and their hands weakened, their sufferings neglected, and themselves slighted, and many who were once open Enemies, and alwayes secret underminers countenanced and employed ; Nay, even those who had been looked upon as Incendiaries, and upon whom the Lord had set marks of desperate Malignancy, Falshood and Deceit, were brought in, as fit to manage Publick Affairs ; Many have been the lets and impediments that have been cast in the way to retard and obstruct the Lords Work, and some have kept secret, what of themselves they were not able to suppress and overcome.

Besides these and many other breaches of the Articles of the Covenant in the matter thereof, which concerneth every one of us to search out and acknowledge before the Lord, as we would wish his wrath to be turned away from us ; So have many of us failed exceedingly in the manner of our following and pursuing the duties contained therein, not onely seeking great things for our selves, and mixing of private Interests and ends concerning our selves, friends and followers, with those things which concern the Publick Good, but many times preferring such to the Honour of God and good of his Cause, and retarding Gods Work, untill we might carry along with us our own interests and designs. It hath been our way to trust in the means, and to rely upon the Arm of Flesh for successe, Albeit the Lord hath many times made us meet with disappointment therein, and stained the pride of all our Glory, by blasting every carnall confidence unto us : We have followed for the most part the counsels of flesh and blood, and walked more by the rules of Policie then Piety, and have hearkened more unto men then unto God.

Albeit we made solemn publick profession before the World of our unfained desires to be humbled before the Lord for our own sins, and the sins of these Kingdoms, especially for our under valuing of the inestimable benefit of the Gospel , and that we have not laboured

boured for the power thereof, and received Christ into our hearts, and walked worthy of him in our lives, and of our true and unfained purpose, desire and endeavour for our selves and all others under our power and charge both in publick and private, in all duties which we owe to God and man, to amend our lives, and each one to go before another in the example of a Real Reformation, that the Lord might turn away his wrath and heavy indignation, and establish these Kirks and Kingdoms in Truth and Peace; Yet we have refused to be reformed, and have walked proudly and obstinately against the Lord, not valuing his Gospel, nor submitting our selves unto the obedience thereof, nor seeking after Christ, nor studying to honour him in the Excellencie of his Person, nor employ him in the vertue of his Offices, nor making conscience of publick Ordinances, nor private nor secret duties, nor studying to edifie one another in love. The ignorance of God and of his Son Jesus Christ, prevails exceedingly in the Land; The greatest part of Masters of families amongst Noblemen, Barons, Gentlemen, Burgessees and Commons neglect to seek God in their Families, and to endeavour the Reformation thereof; And albeit it hath been much pressed, yet few of our Nobles and great ones ever to this day could be perswaded to perform Family duties themselves and in their own persons; which makes so necessary and usefull a duty to be mis-regarded by others of inferior rank; Nay, many of the Nobility, Gentry and Burrows who should have been examples of Godlinesse and sober walking unto others, have been ring-leaders of excesse and rioting. Albeit we be the Lords people engaged to him in a solemn way, yet to this day we have not made it our study, that Judicatories and Armies should consist of, and places of power and trust be filled with men of a blamelesse and Christian conversation, and of known integrity and approven fidelity, affection and zeal unto the Cause of God, but not onely those who have been neutrall and indifferent, but dis-affected and Malignant, and others who have been prophane and scandalous, have been intrusted; By which it hath come to passe that Judicatories have been the seats of injustice and iniquity, and many in our Armies by their mis-carriages have become our plague unto the great prejudice of the Cause of God, the great scandall of the Gospel, & the great increase of loosnesse & prophany throughout al the Land. It were impossible to reckon up al the abominations that are in the land, but the blaspheming of the name of God, swearing by the Creatures, prophanation of the Lords day, uncleanness,

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drunkenness, excess & rioting, vanity of apparel, lying & deceit, railing & cursing, arbitrary & uncontrolled oppression, & grinding of the faces of the poor by landlords & others in place and power, are become ordinary & common sins; And besides all these things, there be many other transgressions, whereof the land wherein we live is guilty: All which we desire to acknowledge and to be humbled for, that the world may bear witness with us, that righteousness belongeth unto God, and shame & confusion of face unto us as appears this day. And because it is needful for these who find mercy not only to confess, but also to forsake their Sin; therefore that the reality and sincerity of our repentance may appear, We do resolve, and solemnly engage our selves before the Lord, carefully to avoid for the time to come all these offences, whereof we have now made solemn public Acknowledgment, and all the snares and tentations which tend thereunto: And to testify the integrity of our resolution herein, and that we may be the better enabled in the power of the Lords strength to perform the same, we do again renew our solemn League and Covenant, promising hereafter to make conscience of all the duties whereunto we are obliged in all the heads and Articles thereof, particularly of these which follow:

1. Because Religion is of all things the most excellent and precious, the advancing and promoting the power thereof against all ungodliness and profanity, the securing and preserving the purity thereof against all error, heresie, and schism; and namely, *Independency, Anabaptism, Antinomianism, Arminianism, Socinianism, Familism, Libertinism, Scepticism, and Erastianism*, and the carrying on the work of uniformity shall be studied and endeavoured by us before all wordly interest, whether concerning the King, or our selves, or any other whatsoever. 2. Because many have of late labored to supplant the liberties of the Kirk, we shall maintain and defend the Kirk of *Scotland*, in all her liberties and privileges, against all who shall oppose or undermine the same, or encroach thereupon under any pretext whatsoever. 3. We shall vindicate & maintain the liberties of the Subjects in all these things which concern their consciences, persons and Estates. 4. We shall carefully maintain and defend the union betwixt the Kingdoms, and avoid every thing that may weaken the same, or involve us in any measure of accession unto the guilt of those who have invaded the Kingdom of *England*. 5. As we have been alwaies loyal to our King, so we shall still endeavour to give unto God that which is
Gods,

Gods, and to *Caſar* the things which are *Of this World*. We ſhall be ſo far from conniving at, complying with, or countenancing of Malignancy, injuſtice, iniquity, prophanity, and impiety, that we ſhall not only avoid, and diſcountenance thoſe things, and cheriſh and encourage theſe perſons, who are zealous for the Cauſe of God, and walk according to the Goſpel; But alſo ſhall take a more effectual courſe then heretofore in our reſpective Places and Callings, for puniſhing and ſuppreſſing theſe evils, and faithfully endeavor that the beſt and ſureſt remedies may be applied for taking away the cauſes thereof, and advancing the knowledge of God, and Holineſs and Righteouſneſs in the Land. And therefore in the laſt place, as we ſhall earneſtly pray unto God, That he would give us *more fully* *ſeeking God, more of truth, and bearing ſufferings,* to judge and bear charge among his people, ſo we ſhall according to our Places and Callings, endeavor that Judicatories and all Places of Power and Truſt both in Kirk and State may conſiſt of, and be filled with ſuch men as are of known good affection to the Cauſe of God, and of a blameleſs and Chriſtian converſation.

And becauſe there may be many, who heretofore have not had a conſcience of the Oath of God, but have through fear, or other conſideration, and upon baſe ends, and humane intereſts, have entered the ſervice, who have afterwards diſcovered themſelves to have done ſo deceitfully with the Lord in ſweariſg faſly by his name, Therefore we who do now renew our Covenant in reference to theſe things, and all other duties contained therein, Do in the fight of him who is the Maſter of hearts, ſolemnly profeſs, That it is not upon any poſſible advantage, or private intereſt, or by end, or becauſe of any fear, or of perſuasion from men, or hypocritically and deceitfully, that we do again take upon us the Oath of God, But honeſtly, and ſincerely, and from the reverence of our duty, and that we are doing our ſelves and our ſoulds almes, and for the alme of theſe baſe ends, We ſhall above all things ſeek the honor of God, and of his Cauſe, and the weal of his people, and that for all the ſufferings of Body and Blood, and all kind of afflictions, and tribulations, we ſhall depend upon the Lord, and by the power of his Spirit, be ſubjected to the voice of his ſervants, in all which we are able, and by our own weakneſs, we do earneſtly pray to God, who is the Father of mercies, through his Son Jeſus Chriſt, to be merciful unto us, and to enable us by the power of his might, that we may do our duty unto the praiſe of his Glorie in the Churches.